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University of the State of New York Bulletin

Entered as second-class matter August 2, 1913, at the Post Office at Albany, N. Y., under the act of August 24, 1912

Published fortnightly

ALBANY, N. Y. JULY 1, 1918

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AS AMENDED TO JULY 1, 1918

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No. 666 ALBANY, N. Y. JULY 1, 1918

EDUCATION LAW

AS AMENDED TO JULY 1, 1918

CONSTITUTIONAL PROVISIONS RELATING TO EDUCATION

Constitution, art. 9

§ 1. Common schools. The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated.

§ 2. Higher education. The corporation created in the year 1784, under the name of the regents of the university of the state of New York, is hereby continued under the name of the university of the state of New York. It shall be governed and its corporate powers, which may be increased, modified or diminished by the legislature, shall be exercised, by not less than nine regents.

§ 3. Educational funds. The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools; the revenue of the said literature fund shall be applied to the support of academies; and the sum of $25,000 of the revenues of the United States deposit fund shall each year be appropriated to and made part of the capital of the said common school fund.

§ 4. Restrictions of subsidies. Neither the state nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught.

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EDUCATION LAW

AS AMENDED TO JULY 1, 1918

[NOTE.—In compiling this edition, the text of such articles of the Education Law as do not relate to the administration of the public schools generally, has been omitted.]

L. 1910, CHAP. 140 — AN ACT to amend the education law, generally.

[In effect April 22, 1910]

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," is hereby amended to read as follows:

CHAPTER 16 OF THE CONSOLIDATED LAWS

EDUCATION LAW

Article 1. Short title and definitions (§§ 1, 2).
2. Education department (§§ 20–27).
3. University (§§ 40–77).
4. Commissioner of education (§§ 90–99).
5. School districts (§§ 120–154).
6. School neighborhoods (§§ 170–172).
6-A. Temporary school districts (§§ 175–179).
6-B. Central rural schools (§§ 180–186).
6-C. Central high school districts (§§ 187–189-l).
7. District meetings (§§ 190–207).
7-A. School elections in certain cities (§§ 208–218).
8. School district officers; general provisions (§§ 220–236).
9. District clerk, treasurer, collector (§§ 250–257).
10. Trustees (§§ 270–285).
11. Boards of education (§§ 300–328).
12. Town clerks (§§ 340, 341).
13. Supervisors (§§ 360–365).

Article 14. District superintendent of schools; his election, powers and duties (§§ 380–398).
15. Assessment and collection of taxes (§§ 410–440).
16. School buildings and sites (§§ 450–467).
17. School district bonds (§ 480).
18. School moneys (§§490–502).
19. Trusts for schools; gospel and school lots (§§ 520–528).
20. Teachers and pupils (§§ 550–567).
20-A. Medical inspection (§§ 570–577).
20-B. Children with retarded mental development (§ 578).
21. Contract system (§§ 580–586).
22. General industrial schools, trade schools, and school of agriculture, mechanic arts and home making (§§ 600–607).
22-A. Farm school in counties (§§ 610–619-b).
23. Compulsory education (§§ 620–637).
24. School census (§§ 650–654).
25. Text-books (§§ 670–674).
26. Physiology and hygiene (§§ 690, 691).
26-A. Discipline and physical training (§§ 695–697).
26-B. Instruction in the humane treatment of animals and birds (§ 700).
26-C. Instruction in patriotism and citizenship (§§ 705, 706).
27. The flag (§§ 710–713).
28. Fire drills (§§ 730–733).
29. Arbor day (§§ 750–752).
30. Teachers' institute (§§ 770–775).
31. Training classes (§§ 790–794).
32. Normal schools; state normal college (§§ 810–833).
33. Fines; penalties; forfeitures and costs (§§ 850–862).
33-A. Board of education in the several cities of the state (§§ 865–881).
34. Appeals or petitions to commissioner of education (§§ 880–882).
35. Orphan schools (§§ 900–902).
36. Schools for colored children (§§ 920–922).
37. Indian schools (§§ 940–954).

Article 38. Instruction of deaf mutes and of the blind (§§ 970–980).
39. New York state school for the blind (§§ 990–1011).
39-A. Physically defective children (§ 1020).
40. Cornell university (§§ 1030–1039).
40-A. Agricultural schools (§§ 1040, 1041).
41. State school of agriculture of Saint Lawrence university (§§ 1050–1052).
41-A. State school of agriculture and domestic science at Delhi (§§ 1055–1060).
42. State school of agriculture at Alfred university (§§ 1070–1072).
42-A. State school of agriculture at Cobleskill (§§ 1075–1078).
43. State school of agriculture at Morrisville (§§ 1090–1094).
43-A. Retirement fund for teachers in state institutions (§§ 1095–1099-a).
43-B. State teachers retirement fund for public school teachers (§§ 1100–1109-a).
44. Libraries (§§ 1110–1141).
45. Court libraries (§§ 1160–1179).
45-A. State school agriculture on Long Island (§§ 1185–1189).
46. Division of history and public records (§§ 1190–1198).
46. The New York-American Veterinary College (§§ 1190–1193).
47. Laws repealed; saving clause; when to take effect (§§ 1200–1202).

ARTICLE 1
Short Title and Definitions

Section 1. Short title.
2. Definitions.

§ 1. Short title. This chapter shall be known as the "Education Law."

§ 2. Definitions. As used in this chapter, the following specified terms mean as here defined.

1. Academy. The term "academy" means an incorporated institution for instruction in secondary education, and such high

schools, academic departments in union schools and similar unincorporated schools as are admitted by the regents to the university as of academic grades.

2. College. The term "college" includes universities and other institutions for higher education authorized to confer degrees.

3. University. The term "university" means the university of the state of New York.

4. Regents. The term "regents" means board of regents of the university of the state of New York.

5. Commissioner. The term "commissioner" means commissioner of education.

6. School commissioner. The term "school commissioner" means the local officer provided for in article fourteen.

7. Secondary education. The term "secondary education" means instruction of academic grades, between the elementary grades and the college or university.

8. Higher education. The term "higher education" means education in advance of secondary education, and includes the work of colleges, universities, professional and technical schools, and educational work connected with libraries, museums, university and educational extension courses and similar agencies.

9. Trustee. The term "trustees," when not used in reference to a school district, includes directors, managers or other similar members of the governing board of an educational institution.

10. Parental relation. The term "persons in parental relation" to a child includes the parents, guardians or other persons, whether one or more, lawfully having the care, custody or control of such child.

11. Compulsory school ages. The term "child of compulsory school age" means any child between seven and sixteen years of age lawfully required to attend upon instruction.

12. School authorities. The term "school authorities" means the trustees, or board of education, or corresponding officers, whether one or more, and by whatever name known, of a city, or school district however created.

13. School officer. The term "school officer" means a clerk, collector, or treasurer of any school district; a trustee or member of a board of education or other body in control of the schools by whatever name known in a union free school district or in a city; a superintendent of schools; a truant officer; a school commissioner; or other elective or appointive officer in a school district or

city whose duties generally relate to the administration of affairs connected with the public school system.

14. Board of education. The term "board of education" shall include by whatever name known the governing body charged with the general control, management and responsibility of the schools of a union free school district or of a city.

ARTICLE 2
Education Department

Section 20. Education department.
21. Divisions of department.
22. Assistant commissioners.
23. Other officers and employees.
24. Removals and suspensions.
25. Joint seal.
26. Reports to the legislature.
27. State education building.

§ 20. Education department. The education department is hereby continued and shall be under the legislative direction of the regents and the executive direction of the commissioner of education, who is made, by section ninety-four of this act, the chief executive officer of the state system of education and of the regents. The said department is charged with the general management and supervision of all public schools and all of the educational work of the state, including the operations of the university of the state of New York.

§ 21. Divisions of department. By concurrent action of the regents and the commissioner of education the department may be divided into divisions. By like action new divisions may be created and existing divisions may be consolidated or abolished, and the administrative work of the department assigned to the several divisions.

§ 22. Assistant commissioners. The commissioner of education shall appoint, subject to the approval of the regents, such assistant commissioners as he shall deem necessary for the proper organization and general classification of the work of the department, and assign to such assistant commissioners the work which shall be under their respective supervision.

§ 23. Other officers and employees. The commissioner of education, subject to the approval of the regents, shall have power, in conformity with their rules, to appoint all other needed officers and employees and fix their titles, duties and salaries.

§ 24. Removals and suspensions. With the approval of the regents, the commissioner of education may, at his pleasure, remove from office any assistant commissioner, or other appointive officer or employee; and, when the regents are not in session, the commissioner may, during his pleasure, suspend, without salary, any such officer or employee, but not longer than till the adjournment of the succeeding meeting of the regents.

§ 25. Joint seal. The regents of the university and the commissioner of education shall together adopt, and may modify at any time, a seal, which shall be used in common as the seal of the education department and of the university; and copies of all records thereof and of all acts, orders, decrees and decisions made by the regents or by the commissioner of education, and of their official papers, and of the drafts or machine copies of any of the foregoing, may be authenticated under the said seal and shall then be evidence equally with and in like manner as the originals.

§ 26. Reports to the legislature. The commissioner of education shall annually prepare a report of the education department, including the university, which shall be transmitted to the legislature over the signatures of the chancellor of the university and of the commissioner of education. At their pleasure, the regents or the commissioner of education may make other reports and communications to the legislature. Such portions of their annual or other reports or communications as the commissioner or the regents shall desire for such use shall be printed by the state printer as bulletins.

§ 27. State education building. After the completion of the state education building, it shall be occupied exclusively by the education department, including the university, with the state library, the state museum, and its other departments, together with such other work with which the commissioner of education and the regents have official relations, as they may, in their discretion, provide for therein; and such building and the offices of such department shall be maintained at state expense.

ARTICLE 8
University of the State of New York

Section 40. Corporate name and objects.
41. Regents.
42. Officers.
43. Meetings and absences.
44. Quorum.
45. Authority to take testimony.
46. Legislative power.
47. General examinations, credentials and degrees.
48. Academic examinations.
49. Admission and fees.
50. Registrations.
51. Supervision of professions.
52. Extension of educational facilities.
53. Departments and their government.
54. State museum; how constituted.
55. Collections made by the staff.
56. Indian collection.
57. Institutions in the university.
58. Visitation and reports.
59. Charters.
60. Provisional charters.
61. Conditions of incorporation.
62. Change of name or charter.
63. Dissolution and rechartering.
64. Dissolution of incorporated academy by stockholders.
65. Suspension of operations.
66. Prohibitions.
67. Unlawful acts in respect to examinations.
68. Powers of trustees of institutions.
69. Colleges may construct water-works and sewer systems.
70. State scholarships established.
71. Scholarship fund of the University of the State of New York.
72. Regents to make rules.
73. List of candidates, award of scholarship.
74. Issuance of scholarship certificate.

Section 75. Effect of certificate; payments thereon.
76. Revocation of scholarship.
77. Limitation as to number of scholarships, courses of study.

§ 40. Corporate name and objects. The corporation created in the year seventeen hundred and eighty-four under the name of the Regents of the university of the state of New York, is hereby continued under the name of the university of the state of New York. Its objects shall be to encourage and promote education, to visit and inspect its several institutions and departments, to distribute to or expend or administer for them such property and funds as the state may appropriate therefor or as the university may own or hold in trust or otherwise, and to perform such other duties as may be intrusted to it.

§ 41. Regents. The university shall be governed and all its corporate powers exercised by a board of regents whose members shall at all times be three more than the then existing judicial districts of the state. The regents now in office and those hereafter elected shall hold, in the order of their election, for such times that the term of one regent will expire in each year on the first day of April, and his successor shall be chosen in the second week of the preceding February, on or before the fourteenth day of such month. A regent shall be elected by the legislature, on joint ballot of the two houses thereof.

All vacancies in such office, either for full or unexpired terms, shall be so filled that there shall always be in the membership of the board of regents at least one resident of each of the judicial districts. A vacancy in the office of regent for other cause than expiration of term of service shall be filled for the unexpired term by an election at the session of the legislature immediately following such vacancy, unless the legislature is in session when such vacancy occurs, in which case the vacancy shall be filled by such legislature. There shall be no " ex officio " members of the board of regents. No person shall be at the same time a regent of the university and a trustee, president, principal or any other officer of an institution belonging to the university. [*Amended by L.* 1915, *ch.* 3.]

§ 42. Officers. The elective officers of the university shall be a chancellor and a vice-chancellor who shall serve without salary, and such other officers as are deemed necessary by the regents, all of whom shall be chosen by ballot by the regents

and shall hold office during their pleasure; but no election, removal or change of salary of an elective officer shall be made by less than six votes in favor thereof. Each regent and each elective officer shall, before entering on his duties, take and file with the secretary of state the oath of office required of state officers.

The chancellor shall preside at all convocations and at all meetings of the regents, and confer all degrees which they shall authorize. In his absence or inability to act, the vice-chancellor, or if he be also absent, the senior regent present, shall perform all the duties and have all the powers of the chancellor.

§ 43. Meetings and absences. The regents may provide for regular meetings, and the chancellor, or the commissioner of education, or any five regents, may at any time call a special meeting of the board of regents and fix the time and place therefor; and at least ten days' notice of every meeting shall be mailed to the usual address of each regent. If any regent shall fail to attend three consecutive meetings, without excuse accepted as satisfactory by the regents, he may be deemed to have resigned and the regents shall then report the vacancy to the legislature, which shall fill it.

§ 44. Quorum. Seven regents attending shall be a quorum for the transaction of business.

§ 45. Authority to take testimony. The regents, any committee thereof, the commissioner of education and any assistant commissioner of education may take testimony or hear proofs relating to their official duties, or in any matter which they may lawfully investigate.

§ 46. Legislative power. Subject and in conformity to the constitution and laws of the state, the regents shall exercise legislative functions concerning the educational system of the state, determine its educational policies, and except as to the judicial functions of the commissioner of education establish rules for carrying into effect the laws and policies of the state, relating to education, and the powers, duties and trusts conferred or charged upon the university. But no enactment of the regents shall modify in any degree the freedom of the governing body of any seminary for the training of priests or clergymen to determine and regulate the entire course of religious, doctrinal or theological instruction to be given in such institution. No rule by which more than a majority vote shall be required for any specified action by the regents shall be amended, suspended or repealed by a smaller vote than that required for action thereunder.

§ 47. General examinations, credentials and degrees. The regents may confer by diploma under their seal

such honorary degrees as they may deem proper, and may establish examinations as to attainments in learning, and may award and confer suitable certificates, diplomas and degrees on persons who satisfactorily meet the requirements prescribed.

§ 48. Academic examinations. The regents shall establish in the secondary institutions of the university, examinations in studies furnishing a suitable standard of graduation therefrom and of admission to colleges, and certificates or diplomas shall be conferred by the regents on students who satisfactorily pass such examinations.

§ 49. Admission and fees. Any person shall be admitted to these examinations who shall conform to the rules and pay the fees prescribed by the regents.

§ 50. Registrations. The regents may register domestic and foreign institutions in terms of New York standards, and fix the value of degrees, diplomas and certificates issued by institutions of other states or countries and presented for entrance to schools, colleges and the professions in this state.

§ 51. Supervision of professions. Conformably to law the regents may supervise the entrance regulations to and the licensing under and the practicing of the professions of medicine, dentistry, veterinary medicine, pharmacy, optometry and chiropody, and also supervise the certification of nurses, public accountants, certified shorthand reporters, architects, and members of any other profession which may hereafter come under the supervision of the board of regents.

The regents may by rule or order accept evidence of preliminary and professional education for licensing a candidate to practice any such profession in lieu of that prescribed by the laws relating to such profession; provided it shall appear to the satisfaction of the regents that such candidate has substantially met the requirement of such laws.

And the regents shall have further power to indorse a license issued by a legally constituted board of examiners in any other state upon satisfactory evidence that the requirements for the issuance of such license were substantially the equivalent of the requirements in force in this state when such license was issued, and that the applicant has been in the lawful and reputable practice of his profession for a period of not less than five years prior to his making application for such indorsement. When the evidence presented is not satisfyingly sufficient to warrant the indorsement of such license, the board of regents may require that the candidate for

indorsement shall pass such subjects of the licensing examination specified by statute or regents' rule as should be required of the candidate to establish his worthiness to receive such indorsement. [*Amended by L.* 1917, *ch.* 357, *in effect May* 4, 1917.]

§ 52. Extension of educational facilities. The regents may extend to the people at large increased educational opportunities and facilities, stimulate interest therein, recommend methods, designate suitable teachers and lecturers, conduct examinations and grant credentials, and otherwise organize, aid and conduct such work. And the regents, and with their approval the commissioner of education, may buy, sell, exchange and receive by will, or other gift, or on deposit, books, pictures, statuary or other sculptured work, lantern slides, apparatus, maps, globes, and any articles or collections pertaining to or useful in and to any of the departments, divisions, schools, institutions, associations or other agencies, or work, under their supervision, or control, or encouragement, and may lend or deposit any such articles in their custody or control, when or where in their judgment compensating educational usefulness will result therefrom; and may also, from time to time, enter into contracts desirable for carrying into effect the foregoing provisions.

§ 53. Departments and their government. The state library and state museum shall be departments of the university, and the regents may establish such other departments and divisions therein as they shall deem useful in the discharge of their duties.

§ 54. State museum; how constituted. All scientific specimens and collections, works of art, objects of historic interest and similar property appropriate to a general museum, if owned by the state and not placed in other custody by a specific law, shall constitute the state museum, and one of its officers shall annually inspect all such property not kept in the state museum rooms, and the annual report of the museum to the legislature shall include summaries of such property, with its location, and any needed recommendations as to its safety or usefulness. The state museum shall include the work of the state geologist and paleontologist, the state botanist and the state entomologist, who, with their assistants, shall be included in the scientific staff of the state museum.

§ 55. Collections made by the staff. Any scientific collection made by a member of the museum staff during his term of office shall, unless otherwise authorized by resolution of the regents, belong to the state and form part of the state museum.

§ 56. Indian collection. There shall be made, as the Indian section of the state museum, as complete a collection as practicable of the historical, ethnographic and other records and relics of the Indians of the state of New York, including implements or other articles pertaining to their domestic life, agriculture, the chase, war, religion, burial and other rites or customs, or otherwise connected with the Indians of New York.

§ 57. Institutions in the university. The institutions of the university shall include all secondary and higher educational institutions which are now or may hereafter be incorporated in this state, and such other libraries, museums, institutions, schools, organizations and agencies for education as may be admitted to or incorporated by the university. The regents may exclude from such membership any institution failing to comply with law or with any rule of the university.

§ 58. Visitation and reports. The regents, or the commissioner of education, or their representatives, may visit, examine into and inspect, any institution in the university and any school or institution under the educational supervision of the state, and may require, as often as desired, duly verified reports therefrom giving such information and in such form as the regents or the commissioner of education shall prescribe. For refusal or continued neglect on the part of any institution in the university to make any report required, or for violation of any law or any rule of the university, the regents may suspend the charter or any of the rights and privileges of such institution.

§ 59. Charters. Under such name, with such number of trustees or other managers, and with such powers, privileges and duties, and subject to such limitations and restrictions in all respects as the regents may prescribe in conformity to law, they may, by an instrument under their seal and recorded in their office, incorporate any university, college, academy, library, museum, or other institution or association for the promotion of science, literature, art, history or other department of knowledge, or of education in any way, associations of teachers, students, graduates of educational institutions, and other associations whose approved purposes are, in whole or in part, of educational or cultural value deemed worthy of recognition and encouragement by the university. No institution or association which might be incorporated by the regents under this chapter shall, without their consent, be incorporated under any other general law.

§ 60. Provisional charters. On evidence satisfactory to the regents that the conditions for an absolute charter will be met within a prescribed time, they may grant a provisional charter which shall be replaced by an absolute charter when the conditions have been fully met; otherwise, after the specified time, on notice from the regents to this effect, the provisional charter shall terminate and become void and shall be surrendered to the regents. No such provisional charter shall give power to confer degrees.

§ 61. Conditions of incorporation. No institution shall be given power to confer degrees in this state unless it shall have resources of at least five hundred thousand dollars; and no institution for higher education shall be incorporated without suitable provision, approved by the regents, for educational equipment and proper maintenance. No institution shall institute or have any faculty or department of education in any place or be given power to confer any degree not specifically authorized by its charter; and no corporation shall, under authority of any general act, extend its business to include establishing or carrying on any educational institution or work, without the consent of the board of regents.

§ 62. Change of name or charter. 1. The regents may, at any time, for sufficient cause by an instrument under their seal and recorded in their office, change the name, or alter, suspend or revoke the charter or incorporation of any institution which they might incorporate under section fifty-nine, if subject to their visitation or chartered or incorporated by the regents or under a general law; provided that, unless on unanimous request of the trustees of the institution, no name shall be changed and no charter shall be altered, nor shall any rights or privileges thereunder be suspended or repealed by the regents, till they have mailed to the usual address of every trustee of the institution concerned at least thirty days' notice of a hearing when any objections to the proposed change will be considered, and till ordered by a vote at a meeting of the regents for which the notices have specified that action is to be taken on the proposed change.

2. Any notice to a trustee whose address is not readily ascertainable, may be mailed to him in care of the institution.

§ 63. Liquidation of affairs of educational institutions. Whenever any educational corporation subject to the visitation of the regents, chartered or incorporated by the regents or under a general law, shall cease to act in its corporate capacity, or

shall have its charter revoked by the regents, it shall be lawful for the supreme court of this state, upon the application of the majority of the trustees thereof, in case said court shall deem it proper so to do, to order and decree a dissolution of such educational corporation, and for that purpose to order and direct a sale and conveyance of any and all property belonging to such corporation, and after providing for the ascertaining and payment of the debts of such corporation, and the necessary costs and expenses of such sale and proceedings for dissolution, so far as the proceeds of such sale shall be sufficient to pay the same, such court may order and direct any surplus of such proceeds remaining after payment of such debts, costs and expenses, to be devoted and applied to any such educational, religious, benevolent, charitable or other objects or purposes as the said trustees may indicate by their petition and the said court may approve.

Such application to said court shall be made by petition, duly verified by said trustees, which petition shall state the particular reason or causes why such sale and dissolution are sought; the situation, condition and estimated value of the property of said corporation, and the particular object or purposes to which it is proposed to devote any surplus of the proceeds of such property; and such petition shall, in all cases, be accompanied with proof that notice of the time and place of such intended application to said court has been duly published once in each week for at least four weeks successively, next preceding such application, in a newspaper published in the county where such corporation is located.

In case there shall be no trustees of such educational corporation residing in the county in which such corporation is located, such application may be made and such proceedings taken by the board of regents of the university of the state of New York. This section shall not apply to the dissolution of an academy incorporated under the laws of this state and having a capital stock. [*Former* § 63 *repealed; new* § 63 *added by L.* 1911, *ch.* 860.]

§ 64. Dissolution of incorporated academy by stockholders. 1. Meeting to consider application for dissolution, when to be called. The trustees of any academy incorporated under the laws of this state and having a capital stock, may, and upon the written application of any person owning or lawfully holding one-third of the said capital stock, must call a general meeting of the stockholders of the said academy, as hereinafter provided, for the purpose of determining whether or not

such incorporated academy shall surrender its charter and be dissolved and its property distributed among the stockholders thereof.

2. Notice thereof, how published. The notice for such general meeting must state the object thereof and be subscribed by the chairman or other acting presiding officer and the secretary or acting secretary of the said corporation or board of trustees; it shall be published once a week for three successive weeks prior to such meeting in a daily or weekly newspaper published in the place where the said academy is located; or if there be no such paper, then in a daily or weekly paper published within the county, if there be one, or, if not, in an adjoining county to that in which such academy is located.

3. Vote requisite for surrender of charter and dissolution. Whenever, at a meeting of the stockholders called as hereinbefore provided, any person or persons holding or qualified to vote upon a majority of the capital stock of such incorporated academy shall vote to surrender the charter thereof and to dissolve the corporation, the trustees of such academy, or a majority of them, must make and sign a certificate of such action, cause the same to be properly attested by the officers of the corporation and file the same, together with a copy of the published notice for the meeting at which such action was taken, and due proof of the publication thereof, in the office of the board of regents of the university of the state of New York and thereupon, if the said proceedings shall have been regularly conducted as above prescribed, the charter of said corporation shall be deemed to be surrendered and the said corporation dissolved.

4. Powers of trustees of academies upon dissolution. Upon the dissolution of such incorporated academy, as herein provided, the trustees thereof shall forthwith become and be trustees of the creditors and stockholders of the corporation dissolved. They shall have full power to settle the affairs of the said corporation; to collect and pay the outstanding debts; to sue for and recover debts and property thereof by the name of the trustees of such corporation; to sell and dispose of the property thereof, at public or private sale, and to divide among the stockholders the moneys or other property that shall remain after the payment of debts and necessary expenses.

5. Notice to creditors to present claims, how published. The said trustees may, after the dissolution of the said corporation, insert in a newspaper published in the place where the said academy is located, or if there be none such then in a newspaper published

within the county, if there be one, or, if not, in an adjoining county, a notice once in each week for three successive months, requiring all persons having claims against the said corporation dissolved to present the same with proof thereof to the said trustees, at the place designated in such notice, on or before a day therein named which shall be not less than three months from the first publication thereof. In case any action shall be brought upon any claim which shall not have been presented to the said trustees within three months from the first publication of such notice, the said trustees shall not be chargeable for any assets, moneys or proceeds of the said corporation dissolved, which they may have paid in satisfaction of other claims against the said corporation, or in making distribution to the stockholders thereof, before the commencement of such action.

6. Surrender of stock scrip, upon distribution to shareholders. Upon the distribution by the said trustees of assets or property, or the proceeds thereof, of the dissolved corporation among its stockholders the said trustees may require the certificates of ownership of capital stock, if such have been issued, standing in the name of any stockholder claiming a distributive share, or under whom such share is claimed, to be surrendered for cancellation by such stockholder or person claiming the said share; in the event of the non-production of any such certificate, the said trustees may require satisfactory proof of the loss thereof, or of any other cause for such non-production, together with such security as they may prescribe, before payment of the distributive share to which the person claiming upon such share of stock may appear to be entitled.

7. Notice of distribution, to absent and unknown shareholders. In case the said trustees upon such distribution by them of assets or property, or the proceeds thereof, of the dissolved corporation among its stockholders, shall be unable to find any of the said stockholders or the persons lawfully owning or entitled to any portion of the said capital stock, they shall give notice in the manner hereinabove provided for calling the general meeting of stockholders, and such distribution, to the persons in whose names such stock shall stand upon the books of the said corporation, requiring them to appear at a time and place designated, to receive the portion of such assets or property to which they may be entitled; in case of the failure of any such persons to so appear, it shall be lawful for the said trustees to pay over and deliver to the county treasurer of the county wherein such

academy was located, or to any trust company or other corporation located within such county and authorized to receive moneys on deposit under order or judgment of a court of record, the proportion of the assets, property or proceeds aforesaid which such non-appearing stock bears to the whole stock; the said trustees shall also deliver therewith a list of the persons entitled to receive the same, together with the separate amounts to which they shall be severally entitled.

8. Liability of trustees, when to cease. Upon the payment and discharge of the debts and obligations of the corporation dissolved, as hereinbefore provided, and the distribution of its assets, property and proceeds among the stockholders thereof, and due provision made, as hereinabove prescribed, for the interests of non-appearing stockholders and such as can not be found, the said trustees shall become and be relieved and discharged from further duty, liability and responsibility by reason of their relation to the said corporation, or towards the stockholders thereof.

9. Duties and liabilities of custodians. Any county treasurer, trust company or other corporation to whom assets, property or proceeds shall be delivered as herein provided, shall hold the same in trust for the persons designated and entitled to receive it; and upon receiving satisfactory proof of the right and title thereto, or upon the order of any court of record competent to adjudicate thereupon, shall pay over and deliver to any persons entitled to receive the same the portion of such proceeds, property or assets to which they shall be entitled.

§ 65. Suspension of operations. If any institution in the university shall discontinue its educational operations without cause satisfactory to the regents, it shall surrender its charter to them, subject, however, to restoration whenever arrangements satisfactory to the regents are made for resuming its work.

§ 66. Prohibitions. 1. No individual, association or corporation not holding university or college degree-conferring powers by special charter from the legislature of this state or from the regents, shall confer any degrees, or transact business under or in any way assume the name university or college, till written permission to use such name shall have been granted by the regents under their seal.

2. No person shall buy, sell or fraudulently or illegally make or alter, give, issue or obtain any diploma, certificate or other instrument purporting to confer any literary, scientific, professional or

other degree, or to constitute any license, or to certify to the completion in whole or in part of any course of study in any university, college, academy or other educational institution.

3. No diploma or degree shall be conferred in this state except by a regularly organized institution of learning meeting all requirements of law and of the university, nor shall any person with intent to deceive, falsely represent himself to have received any such degree or credential, nor shall any person append to his name any letters in the same form registered by the regents as entitled to the protection accorded to university degrees, unless he shall have received from a duly authorized institution the degree or certificate for which the letters are registered. Counterfeiting or falsely or without authority making or altering in a material respect any such credential issued under seal shall be a felony; any other violation of this section shall be a misdemeanor; and any person who aids or abets another, or advertises or offers himself to violate the provisions of this section, shall be liable to the same penalties.

§ 67. Unlawful acts in respect to examinations.

A person who shall

1. Personate or attempt or offer to personate another person in taking, or attempting or offering to take an examination held in accordance with this chapter or with the rules of the university; or

2. Take, or attempt or offer to take, such an examination in the name of any other person; or

3. Procure any other person to falsely personate him or to take, or attempt or offer to take, any such examination in his name; or

4. Have in his possession question papers to be used in any such examination, when not contained in their sealed wrappers, or copies of such papers or questions, at any time prior to the date set for such examination, unless duly authorized by the regents or the commissioner of education; or

5. Sell or offer to sell question papers or any questions prepared for use in any examination held in accordance with this chapter or with the rules of the university; or

6. Use in any such examination any question papers or questions, or secure or prepare the answers to such questions prior to the time set for the examination; or

7. Transmit to the state education department answers to questions used in any such examination which are prepared or written

outside of the period of examination, or alter any such answers after such period is closed; or

8. Otherwise secure or attempt to secure the record of having passed such examination in violation of the university rules; is guilty of a misdemeanor and upon conviction thereof shall be punished for a first offense by a fine of not less than fifty dollars or imprisonment for not less than thirty days, or by both such fine and imprisonment, and for a second offense by a fine of not less than two hundred and fifty dollars, or imprisonment for not less than six months or by both such fine and imprisonment.

§ 68. Powers of trustees of institutions. The trustees of every corporation created by the regents, unless otherwise provided by law or by its charter, may:

1. Number and quorum. Fix the term of office and number of trustees, which shall not exceed twenty-five, nor be less than five. If any institution has more than five trustees, the body that elects, by a two-thirds vote after notice of the proposed action in the call for a meeting, may reduce the number to not less than five by abolishing the office of any trustee which is vacant and filing in the regents' office a certified copy of the action. A majority of the whole number shall be a quorum.

2. Executive committee. Elect an executive committee of not less than five, who, in intervals between meetings of the trustees, may transact such business of the corporation as the trustees may authorize, except to grant degrees or to make removals from office.

3. Meetings and seniority. Meet on their own adjournment or when required by their by-laws, and as often as they shall be summoned by their chairman, or in his absence by the senior trustee, on written request of three trustees. Seniority shall be according to the order in which the trustees are named in the charter or subsequently elected. Notice of the time and place of every meeting shall be mailed not less than five nor more than ten days before the meeting to the usual address of every trustee.

4. Vacancies and elections. Fill any vacancy occurring in the office of any trustee by electing another for the unexpired term. The office of any trustee shall become vacant on his death, resignation, refusal to act, removal from office, expiration of his term, or any other cause specified in the charter. If any trustee shall fail to attend three consecutive meetings without excuse accepted as satisfactory by the trustees, he shall be deemed to

have resigned, and the vacancy shall be filled. Any vacancy in the office of trustee continuing for more than one year, or any vacancy reducing the number of trustees to less than two-thirds of the full number may be filled by the regents. No person shall be ineligible as a trustee by reason of sex.

5. Property holding. Take and hold by gift, grant, devise or bequest in their own right or in trust for any purpose comprised in the objects of the corporation, such additional real and personal property, beyond such as shall be authorized by their charter or by special or general statute, as the regents shall authorize within one year after the delivery of the instrument or probate of the will, giving, granting, devising or bequeathing such property, and such authority given by the regents shall make any such gift, grant, devise or bequest operative and valid in law. Any grant, devise or bequest shall be equally valid whether made in the corporate name or to the trustees of a corporation, and powers given to the trustees shall be powers of the corporation.

6. Control of property. Buy, sell, mortgage, let and otherwise use and dispose of its property as they shall deem for the best interests of the institution; and also to lend or deposit, or to receive as a gift, or on loan or deposit, literary, scientific or other articles, collections, or property pertaining to their work; and such gifts, loans or deposits may be made to or with the university or any of its institutions by any person, or by legal vote of any board of trustees, corporation, association or school district, and any such transfer of property, if approved by the regents, shall during its continuance, transfer responsibility therefor to the institution receiving it, which shall also be entitled to receive any money, books or other property from the state or other sources to which said corporation, association or district would have been entitled but for such transfer.

7. Officers and employees. Appoint and fix the salaries of such officers and employees as they shall deem necessary, who, unless employed under special contract, shall hold their offices during the pleasure of the trustees; but no trustee shall receive compensation as such.

8. Removals and suspensions. Remove or suspend from office by vote of a majority of the entire board any trustee, officer or employee engaged under special contract, on examination and due proof of the truth of a written complaint by any trustee, of misconduct, incapacity or neglect of duty; provided, that at least one

week's previous notice of the proposed action shall have been given to the accused and to each trustee.

9. Degrees and credentials. Grant such degrees and honors as are specifically authorized by their charter, and, in testimony thereof give suitable certificates and diplomas under their seal; and every certificate and diploma so granted shall entitle the conferee to all privileges and immunities which by usage or statute are allowed for similar diplomas of corresponding grade granted by any institution of learning.

10. Rules. Make all by-laws and rules necessary and proper for the purposes of the institution and not inconsistent with law or any rule of the university; but no rule by which more than a majority vote shall be required for any specified action by the trustees shall be amended, suspended or repealed by a smaller vote than that required for action thereunder.

§ 69. Colleges may construct water-works and sewer systems. 1. Every incorporated college in this state is duly authorized and empowered to construct and maintain a system of water-works for the purpose of supplying its college buildings and premises with pure and wholesome water for domestic, sanitary and fire purposes, and for the preservation of the health of its students, faculty and employees, and for the preservation of the public health of the town, village or city in or near which such college is located, and the construction and maintenance of such water-works is declared to be a public use. Such water-works, as often as necessary, may be enlarged or improved. Every such incorporated college owning its water-works system and having an adequate supply of water therefrom, may furnish water to persons other than students, faculty and employees of such college at and for a just and adequate compensation, providing that they reside within a sewer district now created in which the premises of the said college or any part thereof are embraced, and provided no municipal or private public service corporation operates or maintains a system of water-works therein capable of supplying water to such inhabitants. Whenever any such college shall extend its mains along any streets, avenues or highways for the purpose of supplying water to such inhabitants, it shall not lose its exemption from taxation by reason thereof, and shall not be deemed to be exercising a public or corporate franchise within the meaning of the tax law. [*Subdivision amended by L.* 1913, *ch.* 422.]

2. Any such college shall have the right to acquire real estate, or any interest therein, necessary or proper for such water-works, and the right to lay, relay, repair and maintain conduit and water pipes, with connections and fixtures, on, through, and over the lands of others; the right to intercept and divert the flow of waters from the lands of riparian owners, and from persons owning and interested in any waters; and the right to prevent the flow or drainage of noxious, or impure, or unwholesome matter from the lands of others into its reservoirs, or sources of supply. But no such college shall ever have power to take or use water from any of the lands of this state, or any land, reservoir, or feeders, or any streams which have been taken by the state for the purpose of supplying the canals with water. The consent of an incorporated village or city must be obtained to lay any such pipes in or through its streets, and such consent may be accompanied by such reasonable conditions or restrictions as are proper.

3. Such college may cause such examinations and surveys for its proposed water-works to be made as may be necessary to determine the proper location thereof, and for such purpose, by its officers, agents and servants, may enter upon any lands or waters in the vicinity for the purpose of making such examinations and surveys, subject to liability for all damage done. When surveys or examinations are made or concluded, a map shall be made of the lands or interests to be taken or entered upon, and on which the land or interest of each owner or occupant shall be designated, and all streets and roads in which it is proposed to lay conduit pipes, with the proposed line thereof, which map shall be dated and signed by the engineer making the same; and said map shall be filed and kept in the college library for examination and reference, and a duplicate thereof shall be filed in the clerk's office in each county wherein any of such lands or interests proposed to be taken are located. Such examinations and surveys may be ordered and directed by the president or board of trustees of such college. A majority of the trustees shall determine upon the construction of such water-works and the plans thereof, and order contracts therefor to be made by such officers of the college as may be designated.

4. If any such college shall be unable to agree upon such terms of purchase of any such property, right or easements, before or after plans shall be determined upon, it may, after such plans have been adopted, acquire the same by condemnation, according to the provisions of the condemnation law.

5. When any such college has constructed and completed waterworks, as above provided, it may, by a majority of its trustees, determine upon and construct a sewer system; it may connect the same with the sewer system of the village or city in or near which said college is situated, if such connection is practicable. Examination, surveys and a map may be made as above provided. Lands and easements may be acquired by purchase, as above provided, and in case such acquisition can not be made by purchase then they may be acquired by condemnation, according to the provisions of the condemnation law.

§ 70. State scholarships established. 1. State scholarships are hereby established in the several counties of the state, to be maintained by the state and awarded as provided by this act.

2. Five such scholarships shall be awarded each county annually for each assembly district therein.

3. Each such scholarship shall entitle the holder thereof to the sum of one hundred dollars for each year which he is in attendance upon an approved college in this state during a period of four years, to be paid to or for the benefit of such holder as hereinafter provided, and out of a fund which is hereinafter created. [*Added by L.* 1913, *ch.* 292.]

§ 71. Scholarship fund of the university of the state of New York. 1. The scholarship fund of the university of the state of New York is hereby created. Such fund shall consist:

(*a*) Of all money appropriated therefor by the legislature;

(*b*) Of all money and property hereafter received by the state, the regents of the university or the commissioner of education by gift, grant, devise or bequest for the purpose of providing funds for the payment of such scholarships and of all income or revenue derived from any trust created for such purpose.

2. Such fund shall be kept separate and distinct from the other State funds by the state treasurer, and payment shall be made therefrom to the persons entitled thereto in the same manner as from other state funds, except as otherwise provided by this act.

3. Whenever any such gift, grant, devise or bequest shall have been made or any trust shall have been created for the purpose of providing funds for such scholarships, the incomes or revenues derived therefrom shall be applied in maintaining scholarships in addition to those to be maintained by appropriations made by the state legislature, as provided herein, and no part of such income or revenue shall be applied for the maintenance of state scholar-

ships hereinbefore established for each county. Such additional scholarships shall be equitably apportioned by the commissioner of education among the several counties, unless it be provided in the will, deed or other instrument making such gift, grant, devise or bequest, or creating such trust, that the incomes or revenues derived therefrom be applied to the establishment and maintenance of additional scholarships in a specified county. [*Added by L.* 1913, *ch.* 292.]

§ 72. Regents to make rules. The regents shall make rules governing the award of such scholarships, the issuance and cancellation of certificates entitling persons to the benefits thereof, the use of such scholarships, by the persons entitled thereto, and the rights and duties of such state scholars, and the colleges which they attend, in respect to such scholarships, and providing generally for carrying into effect the provisions of this act. Such rules shall be in conformity with this act and shall have the force and effect of a statute. [*Added by L.* 1913, *ch.* 292.]

§ 73. List of candidates, award of scholarships. 1. The commissioner of education shall cause to be prepared for each county of the state, annually, during the month of August, from the records of the education department, a list of the names of all pupils residing therein who become entitled to college entrance diplomas under regents rules, during the preceding school year. Such list shall also show the average standing of the pupils in the several subjects on which each of such diplomas was issued.

2. The commissioner of education shall also cause the names of all pupils on the foregoing lists of the several counties, who are not appointed to scholarships in the county of their residence, to be arranged upon a state list in the order of their merit, as shown by their average standings on the several county lists, from which unclaimed vacant scholarships shall be filled as hereinafter provided.

3. The scholarships to which each county is entitled shall be awarded by the commissioner of education annually in the month of August to those pupils residing therein who become entitled to college entrance diplomas, under regent rules, during the preceding school year and in the order of their merit as shown by the list prepared as provided in subdivision one of this section.

4. In case a pupil who is entitled to a scholarship shall fail to apply for such scholarship within thirty days after being notified that he is entitled thereto or shall fail to comply with the rules of

the regents as to such scholarships and the same shall have been revoked or canceled on account thereof, or, if for any other reason such scholarship shall become vacant, then the pupil standing next highest to those pupils on such list for such county who have received scholarships, shall be entitled to receive appointment to such vacant scholarship. A pupil entitled to a college entrance diploma under regents' rules who failed to apply therefor within the time required by such rules to entitle him to a scholarship, and a pupil whose name would have been included in the list of names of candidates to be considered in the award of scholarships as provided herein except for errors or inadvertencies in the preparation of such list may apply to the regents of the university for a scholarship and if it shall appear to the satisfaction of the said regents that there was reasonable cause for the failure of such pupil to apply for such college entrance diploma as required by regents' rules, or that an error or inadvertency occurred in the preparation of the list of candidates for such scholarships and it shall appear that except for such failure, error or inadvertency the applicant would have received a scholarship, the regents may award a scholarship to such pupil and such scholarship shall be issued and payments shall be made thereon out of moneys available therefor in the same manner as other scholarships are issued and paid. [*Amended by L.* 1918, *ch.* 257, *in effect April* 17, 1918.]

5. In case a scholarship belonging to a county shall not be claimed by a resident of such county or if there be no resident of the county entitled to appointment to the vacant scholarship in such county, the commissioner of education shall fill such vacancy by appointing from the state list the person entitled to such vacancy as provided in subdivision two of this section.

6. The commissioner of education shall cause such person entitled to receive appointment to a scholarship to be notified of his rights thereto and of his forfeiture of such rights by failure to make the application for such scholarship required under section seventy-four of this act. [*Added by L.* 1913, *ch.* 292.]

§ 74. Issuance of scholarship certificate. Upon the application of a pupil duly notified of his right to a scholarship, the commissioner of education shall issue to such pupil a scholarship certificate. Such application and such certificate shall be in the form prescribed by the commissioner of education and such certificate shall specify the college for which it is valid. Said commissioner may also require such additional statements and in-

formation to accompany such application as he may deem necessary. [*Added by L.* 1913, *ch.* 292.]

§ 75. Effect of certificate; payments thereon. The certificate issued as provided in the preceding section shall entitle the person named therein to receive the sum of one hundred dollars each year for a period of four years to aid such person in the completion of a college education. Such sum shall be paid by the state treasurer in two equal payments, one on October first and the other on March first out of the scholarship fund of the university of the state of New York, upon the warrant of the comptroller issued with the approval of the commissioner of education. Such approval shall be given upon vouchers or other evidence showing that the person named therein is entitled to receive the sum specified, either directly or for his or her benefit. The rules of the regents may prescribe conditions under which payments may be made direct to the college attended by the person named in such certificate, in behalf of and for the benefit of such person. [*Added by L.* 1913, *ch.* 292, *and amended by L.* 1913, *ch.* 437.]

§ 76. Revocation of scholarship. If a person holding a state scholarship shall fail to comply with the rules of the regents in respect to the use of such scholarship, or shall fail to observe the rules, regulations or conditions prescribed or imposed by such college on students therein, or shall for any reason be expelled or suspended from such college, or shall absent himself therefrom without leave, the commissioner of education may, upon evidence of such fact deemed by him sufficient, make an order under the seal of the education department revoking such scholarship and thereupon such scholarship shall become vacant and the person holding such scholarship shall not thereafter be entitled to further payment or benefits under the provisions of this act and the vacancy caused thereby shall be filled as provided in section seventy-three of this act. [*Added by L.* 1913, *ch.* 292.]

§ 77. Limitation as to number of scholarships; courses of study. At no time shall there be more than twenty scholarships established and maintained for each assembly district and at no time shall there be more than three thousand such scholarships so established and maintained for the entire state not including scholarships maintained from the revenues or income of trust funds, or gifts, devises or bequests created or made as provided in this act for the maintenance of such scholarships. A person entitled to such scholarship shall not be restricted as to the choice of the college which he desires to attend, or the course of

study which he proposes to pursue; provided that no such scholarship shall include professional instruction in law, medicine, dentistry, veterinary medicine or theology, except so far as such instruction is within a regularly prescribed course of study leading to a degree other than in the above named professions; and provided further, that the college selected by the person entitled to such scholarship is situated within the state of New York, and is incorporated as a college and authorized under the laws of this state and the rules of the regents of the university to confer degrees. [*Added by L.* 1913, *ch.* 292.]

ARTICLE 4

Commissioner of Education

Section 90. Commissioner of education continued.
91. How chosen.
92. Term of office.
93. Salary.
94. General powers and duties.
95. Removal of school officers; withholding public money.
96. Other powers.
97. Schools of union free school districts and cities.
98. Reports of school officers.
99. County clerk and county treasurers to forward certain reports.

§ 90. Commissioner of education continued. The office of commissioner of education is hereby continued.

§ 91. How chosen. 1. The commissioner of education shall be elected by a majority vote of the regents.

2. Such commissioner may be elected without regard to the place of his residence whether it be within or without the state of New York.

§ 92. Term of office. The commissioner of education shall serve during the pleasure of the board of regents.

§ 93. Salary. The salary of such commissioner shall be seven thousand five hundred dollars per annum, payable monthly, and he shall also be paid one thousand five hundred dollars in lieu and in full for his traveling and other expenses which shall also be payable monthly.

§ 94. General powers and duties. The commissioner of education is hereby charged with the following powers and duties:

1. He is the chief executive officer of the state system of education and of the board of regents. He shall enforce all general and special laws relating to the educational system of the state and execute all educational policies determined upon by the board of regents.

2. He shall have general supervision over all schools and institutions which are subject to the provisions of this act, or of any statute relating to education, and shall cause the same to be examined and inspected, and shall advise and guide the school officers of all districts and cities of the state in relation to their duties and the general management of the schools under their control.

3. He shall have general supervision of industrial schools, trade schools and schools of agriculture, mechanic arts and home making; he shall prescribe regulations governing the licensing of the teachers employed therein; and he is hereby authorized, empowered and directed to provide for the inspection of such schools, to take necessary action to make effectual the provisions therefor, and to advise and assist boards of education in the several cities and school districts in the establishment, organization and management of such schools.

4. He shall also have general supervision over the state normal schools which have been, or which may hereafter be, established as required by the provisions of this chapter.

5. He shall be ex officio a trustee of Cornell university.

6. He shall be responsible for the safe keeping and proper use of the department and university seal and of the books, records and other property in charge of the regents, and for the proper administration and discipline of the various offices and divisions of the education department.

7. He may annul upon cause shown to his satisfaction any certificate of qualification granted to a teacher by any authority whatever or declare any diploma issued by a state normal school ineffective and null as a qualification to teach a common school within this state, and he may reconsider and reverse his action in any such matter.

8. He shall cause to be prepared and keep in his office records of all persons who have received, or shall receive, certificates of qualification to teach or diplomas of the state normal schools, with the dates thereof, and shall note thereon all annulments of such certificates and diplomas, and reversals thereof, with the dates

and causes thereof, together with such other particulars as he may deem expedient.

9. He shall cause to be prepared suitable registers, blanks, forms and regulations for making all reports and conducting all necessary business under this chapter, and shall cause the same, with such information and instructions as he shall deem conducive to the proper organization and government of the common schools and the due execution of their duties by school officers, to be transmitted to the officers and persons intrusted with the execution of the same.

10. He may administer oaths and take affidavits concerning any matter relating to the duties of his office or pertaining in any way to the schools of the state or any part thereof.

11. He is hereby authorized to furnish, by means of pictorial or graphic representations, additional facilities for instruction in geography, history, science and kindred subjects, to the schools, institutions and organizations under the supervision of the regents. Material collected for this purpose may, under regents' general rules, be lent for a limited time to responsible institutions and organizations for the benefit of artisans, mechanics and other citizens of the several communities of the state. He may from time to time enter into contracts necessary for carrying out this provision.

11-a. The commissioner of education is also authorized and empowered to organize, maintain and operate training institutes and regular courses of study in connection with the state normal institutions and in the cities of the state for the purpose of training regular public school teachers and others in the best methods to be pursued in giving instruction to illiterates over sixteen years of age. [*Added by L.* 1918, *ch.* 412, *in effect May* 1, 1918. *The sum of* $20,000 *was appropriated by the legislature to carry out the provisions of this subdivision.*)

12. He shall also have and execute such further powers and duties as he shall be charged with by the regents.

§ 95. Removal of school officers; withholding public money. 1. Whenever it shall be proved to his satisfaction that any trustee, member of a board of education, clerk, collector, treasurer, school commissioner, superintendent of schools or other school officer has been guilty of any wilful violation or neglect of duty under this chapter, or any other act pertaining to common schools or other educational institution participating in state

funds, or wilfully disobeying any decision, order or regulation of the regents or of the commissioner of education, said commissioner may, by an order under his hand and seal, which order shall be recorded in his office, remove such school officer from his office.

2. Said commissioner of education may also withhold from any district or city its share of the public money of the state for wilfully disobeying any provision of law or any decision, order or regulation as aforesaid.

§ 96. Other powers. The commissioner of education shall also have power and it shall be his duty to cause to be instituted such proceedings or processes as may be necessary to properly enforce and give effect to any provision in this chapter or in any other general or special law pertaining to the school system of the state or any part thereof or to any school district or city. He shall possess the power and authority to likewise enforce any rule or direction of the regents.

§ 97. Schools of union free school districts and cities. The schools of every union free school district and of every city in all their departments shall be subject to the visitation of the commissioner of education. He is charged with the general supervision of their boards of education and their management and conduct of all departments of instruction.

§ 98. Reports of school officers. The officers of the several districts and cities of the state and all other school officers shall make such reports and in such form from time to time in relation to the schools under their management and supervision as the commissioner of education shall require.

§ 99. County clerk and county treasurers to forward certain reports. 1. The county clerk of each county shall, upon the requisition of the commissioner of education, file with such commissioner any reports of trustees of school districts and boards of education or the abstract of such reports made by school commissioners which have been filed in the office of such county clerk pursuant to the provisions of the education law, whenever it is necessary for the commissioner of education to obtain information or data contained in official reports which have been transmitted to the education department but which have been destroyed by fire or otherwise.

2. The county treasurer of each county shall, upon the requisition of the commissioner of education, forward to said commissioner any original certificates relating to the apportionment of school moneys which the commissioner of education has filed in

the office of such treasurer whenever it is necessary to obtain information on the apportionment of school moneys when the data relating thereto in the office of the commissioner of education has been destroyed by fire or otherwise. After securing such information as may be necessary from such certificates, the commissioner of education shall return the same to the treasurer of such county. [*Added by L.* 1911, *ch.* 159.]

ARTICLE 5

School Districts

Section 120. Existing districts continued.
121. Formation of new district.
122. Number and description of districts.
123. Alteration by consent.
124. Alteration without consent.
125. Hearing of objections to order for alteration without consent.
126. Dissolution or alteration of joint district.
127. Special meeting of joint district to act regarding dissolution.
128. Dissolution by consent and consequent alteration of districts.
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151. Report of proceedings to commissioner of education.
152. Distribution of moneys on dissolution.
153. School property exempt from taxation.
154. Application of funds obtained from sale of school property.

§ 120. Existing districts continued. All school districts organized either by special laws or pursuant to the provisions of a general law are hereby continued and may be altered or dissolved as herein provided.

§ 121. Formation of new district. 1. A district superintendent may organize a new school district out of the territory of one or more school districts which are wholly within his supervisory district, whenever the educational interests of the community require it. If there is an outstanding bonded indebtedness chargeable against the district or districts out of the territory of which such new district is organized, the district superintendent shall apportion said indebtedness between such new district and the remaining portion of the district or districts out of which such new district is organized, according to the assessed valuation thereof, and the portion of the indebtedness so apportioned shall become a charge for principal and interest upon the respective dis-

tricts as though the same had been incurred by said districts separately.

2. The district superintendents of two or more adjoining supervisory districts when public interests require it, may form a joint school district out of the adjoining portions of their respective districts. [*Amended by L.* 1912, *ch.* 294.]

§ 122. Number and description of districts. 1. Each school commissioner shall renumber the school districts of each town in his commissioner district from time to time and shall also number each new district and shall describe in metes and bounds each of such school districts.

2. The order of a school commissioner forming or numbering a school district and the written description thereof together with all notices, orders, consents and proceedings relating to the formation or alteration thereof shall be filed with the town clerk of the town in which such district is located.

3. Every joint district shall bear the same number in every school commissioner district of whose territory it is in part composed.

§ 123. Alteration by consent. 1. With the written consent of the trustees of all the districts to be affected thereby, the district superintendent may make an order altering the boundaries of any school district within his jurisdiction, and fix in such order a day when the alteration shall take effect.

2. With the written consent of the board of education of a union free school district having a population of five thousand or more, and employing a superintendent of schools, and the written consent of the board of education or trustees of a district in a supervisory district adjoining such union free school district, the district superintendent having jurisdiction may make an order altering the boundaries of such districts, and fix in such order a day when the alteration shall take effect. [*Amended by L.* 1914, *ch.* 154.]

§ 124. Alteration without consent. If the trustees of any district affected thereby refuse to consent, the school commissioner may make and file with the town clerk his order making the alteration, but reciting the refusal, and directing that the order shall not take effect until a day therein to be named, and not less than three months after the date of such order.

§ 125. Hearing of objections to order for alteration without consent. 1. Within ten days after making

and filing such order the school commissioner shall give at least a week's notice in writing to the trustees of all districts affected by the proposed alterations, that at a specified time, and at a named place within the town in which one of the districts to be affected lies, he will hear the objections to the alteration.

2. The trustees of any district to be affected by such order may request the supervisor and town clerk of each of the towns, within which such districts shall wholly or partly lie, to be associated with the school commissioner.

3. At the time and place mentioned in the notice, such commissioner, with the supervisors and town clerks, if they shall attend and act, shall hear and decide the matter, and the decision shall be final unless duly appealed from. Such decision must either affirm or vacate such order, and must be filed with and recorded by the town clerk of the town in which the district to be affected shall lie, and a tie vote shall be regarded a decision for the purposes of an appeal on the merits. Upon such appeal the commissioner of education may affirm, modify or vacate the order of the school commissioner or the action of the local board.

§ 126. Dissolution or alteration of joint district. The majority of the school commissioners within whose districts any joint school district lies may make an order at a meeting duly called by one of such commissioners altering or dissolving such district.

§ 127. Special meeting of joint district to act regarding dissolution. 1. If a school commissioner, by notice in writing, shall require the attendance of the other school commissioners, at a joint meeting for the purpose of altering or dissolving a joint district, and a majority of all the commissioners shall refuse or neglect to attend, such commissioners attending, or any one of them, may call a special meeting of such school district for the purpose of deciding whether such district shall be dissolved.

2. If such special meeting shall vote to dissolve the district the school commissioner who called such meeting may make an order dissolving the district and shall recite in such order the refusal or neglect of the other school commissioners, his call of the special meeting and the action taken at such meeting.

§ 128. Dissolution by consent and consequent alteration of districts. 1. A school commissioner may dissolve one or more common school districts upon the written consent of the trustees of all the districts to be affected. When one or more

of such districts adjoin a union free school district whose limits do not correspond with those of an incorporated village or city, he may annex the territory of such dissolved districts to such union free school district.

2. A school commissioner on the written consent of the boards of education of the districts affected may also dissolve a union free school district when it adjoins another union free school district and annex the territory of such dissolved district to such other union free school district.

§ 129. Dissolution, re-formation and consolidation of districts. Any school commissioner may dissolve one or more districts, and may from such territory form a new district; he may also unite such territory or a portion thereof to any adjoining school district, except a union free school district whose boundaries are coterminous with the boundaries of an incorporated village or city.

§ 130. Consolidation of districts by vote of qualified electors. Two or more common school districts may be consolidated and created as one common school district, *of two or more union free school districts may be consolidated and created as one union free school district, or one or more common school districts may be consolidated with one or more union free school districts and created as a union free school district, by a vote of the qualified electors thereof as provided in the following sections. [*Former* § 130 *repealed by L.* 1911, *ch.* 334; *new* § 130 *added by L.* 1913, *ch.* 129.]

§ 131. Request for meeting to consolidate districts; notices of meeting. 1. Whenever two-thirds of the qualified electors of each of two or more districts in which there shall be less than fifteen qualified electors, or if there be fifteen or more qualified electors in either of such districts whenever ten or more of such electors shall sign a request for a meeting to be held for the purpose of determining whether such districts shall be consolidated as a common school district, and submit the same to the trustees or board of education of each of such districts, it shall be the duty of such trustees or board of education to give public notice that a meeting of the qualified electors of such districts will be held at some convenient place within such districts, as centrally located as may be, to vote upon the question of consolidating such districts. Such notice shall specify the day and hour when such meeting shall be held, not less than twenty nor more

* So in original.

than thirty days after the posting, service or publication of such notice. If the trustees or board of education shall refuse or neglect to give such notice within twenty days after such request is submitted the commissioner of education may authorize and direct any qualified elector of the district to give such notice.

2. If any part of either of such districts is situated wholly or partly within an incorporated village in which one or more newspapers are published, such notice shall be published once in each week for three consecutive weeks before such meeting in all the newspapers published in such village, and shall also be posted at least twenty days prior to such meeting, in at least five conspicuous places in each district. In all other districts the trustees or board of education of each district shall authorize and direct a qualified elector thereof to notify each qualified elector of such district of such meeting by delivering to him a copy of such notice or in case of his absence from home, by leaving a copy thereof, or so much thereof as relates to the time, place and object of the meeting, at the place of his abode, at least twenty days prior to the time of such meeting.

3. The reasonable expense of the publication and service of such notice shall be chargeable upon the districts, if the vote be in favor of consolidation, and if not, shall be paid by the persons signing the request for such meeting as provided by section one hundred and forty-four. [*Former* § 131 *repealed by L.* 1911, *ch.* 334; *new* § 131 *added by L.* 1913, *ch.* 129, *and amended by L.* 1914, *ch.* 101.]

§ 132. Proceedings at meeting for consolidation; adoption of resolution; proceedings to be filed. Such meeting shall be organized as provided in section one hundred and forty-five. Such meeting may adopt a resolution to consolidate such districts if two-thirds of the qualified electors of each district having less than fifteen of such electors are present, or in case of districts having fifteen or more qualified electors if ten or more are present. The vote upon such resolution shall be by taking and recording the ayes and noes. The clerk shall keep a poll-list upon which shall be recorded the names of all qualified electors voting upon the resolution, the districts in which such electors reside, and how each elector voted. If it shall appear from the votes so recorded that a majority of the qualified electors present and voting from each district are in favor of such resolution it shall be declared adopted. If a majority of the qualified electors present and voting from each district are not in favor

of such resolution, all further proceedings at such meeting, except a motion to reconsider or adjourn shall be dispensed with and no such meeting shall be again called within one year thereafter.

Copies of such request, notice of meeting, order of the commissioner of education directing a qualified elector to call such meeting, if any, and the minutes of the meeting, including the record of the vote upon the resolution, duly certified by the chairman and clerk, shall be transmitted by either the chairman or clerk, one to the commissioner of education, and one to the district superintendent of schools in whose jurisdiction such districts are located. [*Former* § 132 *repealed by L.* 1911, *ch.* 334; *new* § 132 *added by L.* 1913, *ch.* 129, *and amended by L.* 1914, *ch.* 101.]

§ 133. Order creating consolidated district; effect. The district superintendent shall thereupon issue an order consolidating such districts and creating a common school district, or union free school district, as the case may be, designating such district by number. Such order shall take effect at some date to be specified therein, not more than three months after the date of the meeting. He shall file such order in the town clerk's office of the town in which such districts are located. If such districts are located in two or more supervisory districts such order shall be executed jointly by the district superintendents of such districts. Such order shall have the same effect as an order executed by a district superintendent dissolving two or more common school districts and forming a new district therefrom, or dissolving one or more of such districts and uniting the territory thereof to a union free school district. But a district superintendent may, upon a petition of at least twenty-five qualified electors of the consolidated district, where one of the districts consolidated is a union free school district, or shall, when directed by the commissioner of education, direct the clerk of the board of education of such union free school district to call a special meeting of the qualified electors thereof, for the purpose of increasing the number of members of the board of education of such new district, subject to the limitations prescribed by section three hundred and eight of this chapter, or for the purpose of terminating the offices of the members of the board of education in office when the consolidation takes effect. If it be determined to increase the number of such members, such meeting shall elect the additional number so determined upon, as provided in such section three hundred and eight. If it be determined to elect a new board

of education in place of the board in office when the consolidation takes effect, such meeting shall proceed with the election of a board of education as provided in sections three hundred and one and three hundred and two of this chapter. [*Added by L.* 1913, *ch.* 129.]

§ 134. District quotas of consolidated districts. There shall be apportioned and paid to the district created by the consolidation of districts as provided in sections one hundred and twenty-eight, one hundred and twenty-nine and one hundred and thirty-two of this article district quotas for each of the districts consolidated in the same amount and under the same conditions as though such consolidation had not been effected. Such apportionment shall be based upon the assessed valuation of the taxable property within such districts as they existed at the time of the consolidation, and the trustees or board of education of the consolidated district shall include in their report a statement of such assessed valuation. The money so apportioned and paid to the consolidated district may be applied to the payment of the salaries of teachers, the transportation of pupils and the maintenance of the school in the district. [*Former* § 134 *repealed by L.* 1911, *ch.* 334; *new* § 134 *added by L.* 1913, *ch.* 129, *and amended by L.* 1914, *ch.* 101.]

§ 134-a. The bonded indebtedness of certain dissolved districts. Whenever two or more districts are dissolved pursuant to the provisions of section one hundred and twenty-eight of this article and annexed to adjoining districts or consolidated as provided in section one hundred and thirty-two, the bonded indebtedness of any such district shall thereupon become a charge upon the enlarged district formed by such annexation. The board of education or trustees of such district shall raise by tax an amount sufficient to pay any of the bonds and interest thereof of such district as the same shall become due. [*Former* § 133 *renumbered and amended by L.* 1913, *ch.* 129.]

§ 135. Continuance of dissolved districts for payment of debts. Though a district be dissolved, it shall continue to exist in law, for the purpose of providing for and paying all its just debts; and to that end the trustees and other officers shall continue in office, and the inhabitants may hold special meetings, elect officers to supply vacancies and vote taxes; and all other acts necessary to raise money and pay such debts shall be done by the inhabitants and officers of the district.

§ 136. Deposit of records of dissolved district. 1. The school commissioner, or a majority of such commissioners in whose districts a dissolved school district was situated, shall by written order delivered to the clerk of the district, or to any person in whose possession the books, papers and records of the district, or any of them, may be, direct such clerk or other person to deposit the same in the clerk's office in the town named in the order.

2. Such clerk or other person, by neglect or refusal to obey the order, shall forfeit fifty dollars, to be applied to the benefit of the common schools of said town.

§ 137. Property of districts consolidated. When two or more districts shall be consolidated into one, the new district shall succeed to all the rights of property possessed by the annulled districts.

§ 138. Sale of property of dissolved district and disposition of proceeds. 1. When a district is divided into portions, which are annexed to other districts, its property shall be sold by the supervisor of the town, within which its school-house is situated, at public auction, after at least five days' notice.

2. Such notice shall be given by posting the same in three or more public places of the town in which the school-house is situated and in one conspicuous place in the district so dissolved.

3. The supervisor, after deducting the expenses of the sale, shall apply its proceeds to the payment of the debts of the district, and apportion the residue, if any, among the owners or possessors of taxable property in the district, in the ratio of their several assessments on the last corrected assessment-roll of the towns, and pay it over accordingly.

§ 139. Collection and distribution of moneys due dissolved district. The supervisor of the town within which the school-house of the dissolved district was situated may demand, sue for and collect, in his name of office, any money of the district outstanding in the hands of any of its former officers, or any other person; and, after deducting his costs and expenses, shall report the balance to the school commissioner who shall apportion the same equitably among the districts to which the parts of the dissolved district were annexed, to be by them applied as their district meeting shall determine.

§ 140. Fees of supervisor and town clerk. The supervisor and town clerk shall be entitled each, to one dollar and

fifty cents a day, for each day's service in any proceeding under section one hundred twenty-five of this article, to be levied and paid as a charge upon their town.

§ 141. Notice of meeting for establishment of union free school district. 1. Whenever fifteen persons entitled to vote at any meeting of the inhabitants of any school district in the state, shall sign a request for a meeting, to be held for the purpose of determining whether a union free school shall be established therein in conformity with the provisions of this article, it shall be the duty of the trustees of such district, within ten days after such request shall have been presented to them, to give public notice that a meeting of the inhabitants of such district entitled to vote thereat will be held for such purpose as aforesaid, at the school-house, or other more suitable place in such district, on a day and at an hour to be specified in such notice not less than twenty nor more than thirty days after the publication of such notice.

2. If the trustees shall refuse to give such notice, or shall neglect to give the same for twenty days, the commissioner of education may authorize and direct any inhabitant of such district to give the same.

§ 142. Posting, publication and service of notice. 1. Whenever such district shall correspond wholly or in part with an incorporated village, in which there shall be published a daily or weekly newspaper, the notice required in section one hundred and forty-one shall be given by posting the same in five conspicuous places in said district, at least twenty days prior to such meeting, and by causing the same to be published once a week for three consecutive weeks before such meeting, in all the newspapers published in said district.

2. In other districts the said notice shall be given by posting the same as aforesaid, and in addition thereto, the trustees of such district shall authorize and require any taxable inhabitant thereof to notify every other qualified voter in such district of such meeting by delivering to him a copy of such notice or in case of his absence from home, by leaving a copy thereof, or so much thereof as relates to the time, place and object of the meeting, at the place of his abode at least twenty days prior to the time of such meeting.

§ 143. Notice in case of adjoining districts. 1. Whenever fifteen persons, entitled as aforesaid, from each of two

or more adjoining districts, shall unite in a request for a meeting of the inhabitants of such districts, to determine whether such districts shall be consolidated by the establishment of a union free school therein, it shall be the duty of the trustees of such districts, or a majority of them, to give public notice of such meeting, at some convenient place within such districts, and as central as may be, within the time and to be published and served in the manner set forth in sections one hundred forty-one and one hundred forty-two of this article, in each of such districts.

2. The commissioner of education may order such meeting under the conditions and in the manner prescribed in section one hundred forty-one of this article.

§ 144. Expense of notice. The reasonable expense of the publication and service of such notice, shall be chargeable upon the district, in case a union free school is established by the meeting so convened, to be levied and collected by the trustees, as in case of taxes now levied for school purposes; but in the event that such union free school shall not be established, then the said expense shall be chargeable upon the inhabitants signing the request, jointly and severally, to be sued for, if necessary, in any court having jurisdiction of the same.

§ 145. Proceedings at meeting and effect of affirmative vote. 1. Any such meeting held pursuant to the foregoing provisions shall be organized by the election of a chairman and clerk and may be adjourned from time to time, by a majority vote, provided that such adjournment shall not be for a longer period than ten days; and whenever at any such meeting duly called and held under the provisions of sections one hundred forty-one and one hundred forty-two of this article, at least fifteen qualified voters of the districts shall be present; or at such meeting duly called and held under the provisions of section one hundred forty-three of this article, at least fifteen qualified voters of each of the two or more adjoining districts, joining in the request, shall be present, such meeting may, by the affirmative vote of a majority present and voting, adopt a resolution to establish a union free school in said district, or to consolidate the two or more adjoining districts by establishing a union free school in said districts pursuant to the notice of said meeting. If said meeting shall determine to establish a union free school in said districts as aforesaid, it shall be lawful for such meeting thereafter to proceed to

the election of a board of education as provided in sections three hundred and one and three hundred and two of this chapter.

2. The school commissioner in whose district the union free school district is thus organized shall designate such district as union free school district number .... of the town of ..... and the said board shall have the name and style of the board of education of (adding the designation aforesaid).

3. Copies of said request, notice of meeting, order of the commissioner of education directing some inhabitant to call said meeting, if any, and minutes of said meeting, duly certified by the chairman and clerk thereof, shall be transmitted and deposited, immediately after such meeting by one of such officers, one to and with the town clerk, one to and with the school commissioner in whose jurisdiction said districts are located, and one to and with the commissioner of education.

4. If at any such meeting, the question as to the establishment of a union free school shall not be decided in the affirmative, as aforesaid, then all further proceedings at such meeting, except a motion to reconsider or adjourn, shall be dispensed with, and no such meeting shall be again called within one year thereafter.

5. When any such meeting shall have established a union free school in said districts, such union free school district shall not be dissolved within the period of one year from the first Tuesday of August next after such meeting.

§ 146. Meeting to determine regarding reorganization as common school district. In any union free school district established under the laws of this state, and which shall have been established for the period of one year or more, it shall be the duty of the board of education, upon the application of fifteen resident taxpayers of such district, to call a special meeting in the manner prescribed by law, for the purpose of determining whether application shall be made in the manner hereinafter provided, for the dissolution of such union free school district, and for its reorganization as one or more common school districts.

§ 147. Result of vote for or against reorganization. 1. Whenever, at any such meeting called and held as aforesaid, it shall be determined by a majority vote of the legal voters present and voting, to be ascertained by taking and recording the ayes and noes, not to dissolve such union free school district, no other

meeting for a similar purpose shall be held in said district within three years from the time the first meeting was held.

2. Whenever at any such meeting called and held as aforesaid it shall be determined by a two-thirds vote of the legal voters present and voting, to be ascertained by taking and recording the ayes and noes, to dissolve such union free school district, it shall be the duty of the board of education to present to the school commissioner of the commissioner district in which said union free school is situated, a certified copy of the call, notice and proceedings. If such school commissioner shall approve the proceedings of said meeting, he shall certify the same to the board of education. Such approval shall not take effect until the day preceding the first Tuesday of August next succeeding; but after that date such district shall cease to be a union free school district.

§ 148. Reversion to form of original school districts. If any union free school district dissolved under the foregoing provisions shall have been established by the consolidation of two or more districts, it shall be lawful for such school commissioner to order that its territory be divided into two or more districts, to correspond, so far as practicable, with the districts theretofore consolidated.

§ 149. School commissioner may require equality of partition. Such school commissioner may make his approval of the proceedings of any such meeting held as aforesaid conditional upon the payment, by the district which has been most greatly benefited by the consolidation in the way of buildings and other improvements to the other districts into which the said union free school district is divided, of such sum of money as he may deem equitable.

§ 150. Effect of veto by school commissioner regarding subsequent meeting. If such school commissioner shall not approve the proceedings of any such meeting, held as aforesaid, for the purpose of dissolving a union free school district, no other meeting shall be held in such district, for a similar purpose, within three years from the time the first meeting was held.

§ 151. Report of proceedings to commissioner of education. Whenever the proceedings of a meeting, held as aforesaid, for the purpose of dissolving a union free school district, shall have been approved by such school commissioner and shall have been certified by him to the board of education, it shall

be the duty of the board of education of the district affected forthwith to file with the commissioner of education, copies of the call, notice, proceedings of the meeting, and the action taken by such school commissioner thereon.

§ 152. Distribution of moneys on dissolution. All moneys remaining in the hands of the treasurer of the union free school district when the order of dissolution shall take effect shall be apportioned equitably among the several districts into which such union free school district is divided, and shall be paid over to the collectors or treasurers of such districts when they shall have been elected and have qualified according to law.

§ 153. School property exempt from taxation. The grounds, buildings, furniture, books, apparatus and all other property of a school district shall not be subject to taxation for any purpose.

§ 154. Application of funds obtained from sale of school property. All moneys obtained from the sale of any school property authorized under the provisions of this chapter shall be applied for the benefit of the district as directed by the voters thereof in any annual or special meeting.

ARTICLE 6

School Neighborhoods

Section 170. Setting off school neighborhoods.
171. Neighborhood meetings.
172. Duties of neighborhood clerk and trustee.

§ 170. Setting off school neighborhoods. Each school commissioner in respect to the territory within his district shall have power, with the approval of the commissioner of education, to set off by itself any neighborhood adjoining any other state of the union, where it shall be found most convenient for the inhabitants to send their children to a school in such adjoining state, and to deliver to the town clerk of the town in which it lies, in whole or in part, a description of each such separate neighborhood. He shall also prepare a notice, describing such neighborhood, and appointing a time and place for the first neighborhood meeting, and deliver such notice to a taxable inhabitant of such neighborhood. It shall be the duty of such inhabitant to notify every other inhabitant of the neighborhood, qualified to vote at

the meeting, by reading the notice in his hearing, or, in case of his absence from home, by leaving a copy thereof, or so much thereof as relates to the time, place and object of the meeting, at the place of his abode, at least six days before the time of the meeting. In case such meeting shall not be held, and in the opinion of the school commissioner it shall be necessary to hold such meeting before the time herein fixed for the first annual meeting, he shall deliver another such notice to a taxable inhabitant of the neighborhood, who shall serve it as hereinbefore provided.

§ 171. Neighborhood meetings. The annual meeting of each neighborhood shall be held on the first Tuesday of August in each year, at the hour and place fixed by the last previous neighborhood meeting; or, if such hour and place has not been so fixed, then at the hour and place of such last meeting; or, if such place be no longer accessible, then at such other place as the trustee, or, if there be no trustee, the clerk, shall in the notices designate. The proceedings of no neighborhood meeting, annual or special shall be held illegal for want of a due notice to all the persons qualified to vote thereat, unless it shall appear that the omission to give such notice was wilful and fraudulent. The inhabitants of any neighborhood, entitled to vote, when assembled in any annual meeting or any special meeting called by the commissioner as above provided, shall have power, by a majority vote of those present, to appoint a chairman for the time being, and to choose a neighborhood clerk and one trustee, and to fill vacancies in office. The provisions of article seven of this chapter, shall apply to and govern such meeting, so far as the same can in substance be applied to the proceedings; and the provisions of article eight of this chapter shall apply to and govern the officers of such neighborhood, so far as the same can in substance be applied thereto.

§ 172. Duties of neighborhood clerk and trustee. The neighborhood clerk shall keep a record of the proceedings of his neighborhood, and of the reports of the trustees, and deliver the same to his successor. In case such neighborhood shall be annexed to a district within this state its records shall be filed in the office of the clerk of such district. The trustee shall, between the twenty-fifth day of July and the first day of August in every year, make his annual report to the school commissioner,

and file it in the office of the clerk of the town of which the neighborhood is a part. Such report shall specify the whole amount of public moneys received during the year and from what public officer, and the manner in which it was expended; the whole number of such children as can be included in the district trustees' report residing in the neighborhood on the thirtieth day of August prior to the making of such report; and any other matters which the commissioner of education may require.

ARTICLE 6-A.

(Article added by L. 1913, ch. 176.)

Temporary School Districts.

Section 175. Establishment of temporary school districts.
176. Organization of district; officers.
177. Maintenance of schools; teachers.
178. Payment of expenses; gifts and contributions.
179. Regulations of commissioner of education.

§ 175. Establishment of temporary school districts. Temporary school districts may be established outside of cities and union free school districts and public schools shall be maintained therein as hereinafter provided. Such districts may be established whenever any considerable number of persons shall have been congregated in camps or other places of temporary habitation, who are engaged in the construction of public works by, or under contract with, the state, or in the construction of public works or improvements by or under contract with any municipality. Such temporary districts shall be established by order of the district superintendent of schools of the supervisory district within which such camps or other places of temporary habitation are located, subject to the approval of the commissioner of education. Such order shall be filed in the state education department and if the public works or improvements are being constructed by a municipality, a copy thereof shall be filed in the office of the officer or board of the city under whose direction they are being constructed. When so established such districts shall be entitled to share in the apportionment of public money as in the case of other school districts, except that each district quota shall be one hundred and twenty-five dollars. The

money so apportioned shall be paid to the treasurer of the district and be applied in the payment of teachers' salaries. [*Added by L.* 1913, *ch.* 176.]

§ 176. Organization of districts; officers. Each of such districts shall have a trustee who shall be appointed by the district superintendent of schools, and a district clerk and treasurer to be appointed by the trustee. Each of such officers shall serve during the continuance of the camp or other place of temporary habitation, unless sooner removed by the district superintendent. The treasurer shall give a bond to the people of the state, in an amount to be determined by the district superintendent, and with sureties approved by him, conditioned for the proper disbursement and accounting of all moneys received by him in behalf of such district. [*Added by L.* 1913, *ch.* 176.]

§ 177. Maintenance of schools; teachers. Such schools shall be under the supervision of the district superintendent and shall be maintained pursuant to regulations adopted by the commissioner of education. They shall be free to all children of school age residing in such camps and other places of temporary habitation, and also to all adults residing therein. They shall be open at such hours as may be prescribed by the district superintendent, subject to the approval of the commissioner of education. The trustee of each such district shall employ qualified teachers for the school therein, for such term and at such rate of compensation as may be determined upon by the district superintendent with the approval of the commissioner of education. The said trustees shall provide suitable building or rooms for such school and shall require the same to be kept in proper condition for the maintenance thereof, and shall cause the same to be equipped and supplied with all necessary books, furniture, apparatus and appliances. [*Added by L.* 1913, *ch.* 176.]

§ 178. Payment of expenses; gifts and contributions. The costs and expenses of maintaining such schools in temporary districts, exclusive of the amount apportioned thereto out of the public moneys, shall be paid in such districts where the public works are being constructed by the state, out of moneys appropriated for such purpose. In districts where public works or improvements are being constructed for a municipality, such costs and expenses shall be a charge upon such municipality, and shall be paid out of funds available for the payment of the costs of construction of such works or improvements.

The trustees of such district shall prepare an estimate of the amount of probable expenditures for the maintenance of the public schools in such district, which shall include a statement of the amount in the hands of the treasurer available for such maintenance, the amount received by such treasurer from gifts, contributions and other sources, and the amount to be received from the public school moneys, as herein provided, and shall also state the amount required to be raised for such school, specifying the items thereof, for the ensuing school year. The form of such estimate shall be prescribed by the district superintendent. In the districts where the public works are being constructed by a municipality the said estimate shall be executed in duplicate, one of which shall be filed with the state education department, and the other shall be filed in the office of the department or officer of the municipality under whose supervision such public works are being constructed. Upon the approval of such estimates by the state education department, notice thereof shall be given to the said department or officer of the municipality, and payment of the amount specified in such estimate shall be made to the treasurer of such district. The treasurer shall preserve vouchers of all payments made by him on account of the school in his district and shall make no payments for purposes not provided for in the estimate, nor without the order of the trustee of the district accompanied with the necessary vouchers. [*Added by L.* 1913, *ch.* 176.]

§ 179. Regulations of commissioner of education. The commissioner of education shall make regulations, not inconsistent herewith, for the purpose of providing for the establishment and maintenance of schools as herein provided, and for the purpose of carrying into effect the full intent of this article. [*Added by L.* 1913, *ch.* 176.]

ARTICLE 6-B.

(*Article added by L.* 1914, *ch.* 55.)

Central Rural Schools.

Section 180. Formation of districts.
181. Notice of meeting and expense of notice.
182. Trustees at meeting.
183. Powers and duties of boards of education.

Section 184. Powers and limitations of districts.
185. State aid.
186. Transportation of scholars.

§ 180. Formation of districts. The commissioner of education is hereby authorized and empowered to lay out in this state in any territory exclusive of a city school districts conveniently located for the attendance of scholars and of suitable size for the establishment of central schools to give instruction usually given in the common schools and in high schools, including instruction in agriculture. [*Added by L.* 1914, *ch.* 55.]

§ 181. Notice of meeting and expense of notice. Whenever fifteen persons who are residents and taxable inhabitants in any such district shall unite in a request for a meeting of the inhabitants of such district to determine whether such school shall be established, and file the same in writing with the town clerk of the town in which such district is located, or if located in more than one town, with the town clerk of each town in which any part of such district is, it shall be the duty of each town clerk with whom such notice is filed to post a notice of such meeting, not less than five or more than ten days after the same is filed in his office, in three conspicuous places in the district if the whole thereof be in his town, or if not, in that part of the district located in his town. If the district be located in more than one town the notice shall be prepared by the clerk of the town containing the largest portion of the territory of the district and furnished by him to the other town clerk or clerks for posting. If a weekly or daily newspaper be published within such school district the notice shall be published therein by the clerk preparing the notice, at least three days before the meeting. All reasonable expense of the publication and service of such notice shall be a town charge upon the town or towns in which the said district, or a part thereof, is located, unless the district decides to establish a central school under this act, in which case such expense shall be a charge upon the district. [*Added by L.* 1914, *ch.* 55.]

§ 182. Trustees at meeting. 1. Any such meeting held pursuant to such notice shall be organized by the election of a chairman and clerk, and may be adjourned from time to time by a majority vote, provided that such adjournment shall not be for

a longer period than ten days; and whenever at any such meeting duly called and held under the provisions of this act fifteen qualified voters of the district shall be present, such meeting may, by an affirmative vote of a majority present and voting, adopt a resolution to establish a central school in said district. If said meeting shall determine to establish such school in said district, it shall be lawful for said meeting thereafter to proceed to the election by ballot of a board of education of not less than three nor more than seven trustees who shall, by the order of said meeting, be divided into three classes, as nearly equal as may be, the first to hold until one, the second until two, and the third until three years from the first Tuesday in August next following. Thereafter there shall be elected in such districts at the annual meeting trustees to supply the places of those whose terms of office by the classification aforesaid expire. The trustees thus elected shall enter at once upon their offices. The said trustees and their successors in office shall constitute the board of education of such district.

2. The commissioner of education shall designate the district thus organized as central school district number ..... of the town or towns of..... and the said board shall have the name and style of "the board of education of (adding the designation aforesaid)."

3. Copies of said requests, notice of meeting and minutes of said meeting duly certified by the chairman and clerk thereof shall be transcribed and deposit made after such meeting by one of said officers, one to and with the town clerk of each town in which any part of said district is located, one to and with the school superintendent in whose jurisdiction the district or any part thereof is located, and one to and with the commissioner of education.

4. If at any such meeting the question as to the establishment of a central school shall not be decided in the affirmative as aforesaid, then all further proceedings at such meeting, except a motion to reconsider the question, shall be dispensed with, and no such meeting shall be again called within one year thereafter.

5. If any town clerk fail to perform any duty devolving upon him under this act the same may be performed by the commissioner of education. [*Added by L.* 1914, *ch.* 55.]

§ 183. Powers and duties of boards of education. Boards of education in any such district shall have the same powers

and duties as boards of education in union free school districts as prescribed by this act. Nothing in this act shall be construed to deprive any existing school district of the property belonging to such district, or to affect the indebtedness of said district. [*Added by L.* 1914, *ch.* 55.]

§ 184. Powers and limitations of district. Any central district thus established shall have the same powers and be subject to the same limitations that are now conferred or imposed by law upon union free school districts as provided by this act. [*Added by L.* 1914, *ch.* 55.]

§ 185. State aid. Any district organized under the provisions of this act shall from the time of its organization receive from the state the amount of money on the basis of attendance paid to the common school districts included therein during the year preceding its organization, at the rate that the said districts were then entitled to receive moneys pursuant to law. If a common school district be divided in the formation of a central district the moneys of such common school district shall be apportioned by the commissioner of education, and the share thereof apportioned to that part of the common school district included in the central district shall be paid to the central district. Whenever any such district shall comply with the requirements of section six hundred and four of the education law in relation to the establishment of general schools of agriculture and home making, the commissioner of education shall make the same annual apportionment of state school moneys to such central school as is now required to be made by law to a high school or union free school district complying therewith. Any such central district shall also receive all other allowances of public moneys apportioned by the state which it would be entitled to receive if it were a union free school district. [*Added by L.* 1914, *ch.* 55.]

§ 186. Transportation of scholars. The commissioner of education shall have power in any such central district to require the payment by the district of such expense of transportation of school children to and from the school as in his judgment justice requires, and the same shall be a charge upon the district. [*Added by L.* 1914, *ch.* 55.]

ARTICLE 6-C

(*Art.* 6-C, *added by L.* 1917, *ch.* 137, *in effect April* 5, 1917.)

Central High School Districts

Section 187. Formation of central high school district.
188. Request for meeting to vote on establishment of district; notice of meeting.
189. Expense of notice.
189-a. Conduct of meeting.
189-b. Proceedings to be submitted to commissioner of education; order establishing district.
189-c. Number and election of members of board of education.
189-d. Location of high school site.
189-e. Acquisition of site and erection of building.
189-f. Issue and sale of bonds.
189-g. Powers of board of education; laws applicable.
189-h. District meetings; vote upon school taxes.
189-i. Apportionment of expenses.
189-j. District treasurer; custody and disbursement of funds.
189-k. State aid.
189-l. Transportation of pupils.

§ 187. Formation of central high school district. Two or more adjoining school districts may be formed into a central high school district in the manner provided in this article, for the purpose of erecting, establishing and maintaining therein a high school for the secondary education of the pupils residing in such district who have completed the work of the elementary grades in the several school districts included in such central high school district. [*Added by L.* 1917, *ch.* 137, *in effect April* 5, 1917.]

§ 188. Request for meeting to vote on establishment of district; notice of meeting. 1. Whenever fifteen qualified electors of each of the districts proposing to establish such central high school district shall sign a request in writing for a meeting of the qualified electors of such districts, to be held for the purpose of determining whether a central high school district be established in conformity with the provisions of this

article, it shall be the duty of the board of education of each union free school district and of the trustees of each common school district to give public notice that a meeting of the qualified electors of such districts will be held at a time and place to be specified therein. Such place shall be conveniently accessible to the qualified electors of such districts and the notice shall specify the day and hour of the meeting, which shall be not less than twenty nor more than thirty days after the publication of such notice. If the board of education and trustees of such districts refuse or fail to give such notice within twenty days after such request shall have been presented to them, the commissioner of education may by order authorize and direct an inhabitant of any such districts to give such notice.

2. Such notice shall be published once a week for three consecutive weeks before the meeting in all the newspapers published in any of the districts proposed to be established as a central high school district. In addition to such publication, such notice shall be posted in five conspicuous places in each of such districts at least twenty days prior to the meeting. If there are no newspapers published in any of such districts, such notice shall be posted in at least ten conspicuous places in each of such districts at least twenty days prior to the day of the meeting. [*Added by L.* 1917, *ch.* 137, *in effect April* 5, 1917.]

§ 189. Expense of notice. The reasonable expense of the publication and service of such notice, together with the expenses actually incurred in the holding of such meeting, shall be chargeable against the central high school district, if it be established, and shall be levied and collected by the board of education of such district, in the same manner as are other expenses chargeable against such district for the establishment and maintenance of a high school therein. In the event that such central high school district is not established, such expenses shall be chargeable upon the qualified electors signing the request, jointly and severally, to be sued for if necessary in any court having jurisdiction of the same. [*Added by L.* 1917, *ch.* 137, *in effect April* 5, 1917.]

§ 189-a. Conduct of meeting. Such meeting shall be organized by the election of a chairman and a clerk, and may be adjourned from time to time by a majority vote, provided that such adjournment shall not be for a longer period than ten days. If there are at least fifteen qualified electors present from each

of the districts proposing to establish such central high school district, such meeting may by the affirmative vote of a majority of those present and voting from each of such districts adopt a resolution to establish a central high school district comprising the districts voting in favor thereof. If when such resolution is presented a majority of the qualified electors present from one or more of such districts is opposed to the establishment of such central high school district, and a majority of the qualified electors present and voting from each of the other districts is in favor of such resolution, the qualified electors present and voting from the districts in favor of the establishment of such district may adopt a resolution for the establishment of a central high school district comprising the districts voting in favor of such resolution.

The resolutions so submitted shall be voted upon by taking and recording the ayes and noes. The clerk of the board shall keep a poll list containing the names of the qualified electors present from each of the districts and indicating how each of such electors voted upon such resolutions. [*Added by L.* 1917, *ch.* 137, *in effect April* 5, 1917.]

§ 189-b. Proceedings to be submitted to commissioner of education; order establishing district. A copy of the request of the qualified electors for the meeting to establish such central high school district, the notice of the meeting and the minutes of the proceedings thereof, including the resolutions adopted by the electors present thereat, shall be certified by the chairman and clerk of the meeting and shall be submitted to the commissioner of education. The commissioner shall, upon such notice and after such hearing as he may deem proper, consider the papers submitted to him in respect to the establishment of such district and ascertain as to the advisability of establishing such district. If he deems it for the educational interests of the districts affected that such central high school district shall be established, he shall issue an order under the seal of the department, directing that the said districts be established as a central high school district. The original order shall be filed in the office of the commissioner, and copies thereof shall be filed in the offices of the district clerks of the districts comprising such central high school district, and also in the offices of the town clerks of the town in which such districts or any parts thereof are situated. Such district shall be established as a

central high school district upon the execution of such order. [*Added by L.* 1917, *ch.* 137, *in effect April* 5, 1917.]

§ 189-c. Number and election of members of board of education. The order of the commissioner of education establishing such central high school district shall specify the number of members to constitute the board of education of such district and the number of members representing each of the districts included in such district. The number of such members shall be not less than five. There shall be at least one member of such board from each common school district and at least two from each union free school district. The board of education of each union free school district in such central high school district shall appoint the number of persons so designated by the commissioner to represent such district as members of the board of education thereof. In each common school district having a sole trustee, such trustee shall represent such district as a member of the board of education of such central high school district. If a common school district have three trustees, such board of trustees shall designate one of its members to represent such district as a member of such board of education. The persons so designated shall be members of the board of education of the central high school district during their terms of office as members of the board of education or as trustees of the districts respectively represented by them. Whenever a vacancy shall occur in the office of a member of the board of education of such central high school district, it shall be filled as above provided. [*Added by L.* 1917, *ch.* 137, *in effect April* 5, 1917.]

§ 189-d. Location of high school site. The board of education of such central high school district shall designate the site of the central high school in such district by resolution containing a description thereof by metes and bounds. If such board of education is unable to agree as to the selection of a site for such high school building, or shall for any reason neglect or refuse to designate such site, the commissioner of education may upon submission of the question to him, after a hearing and due investigation, issue an order determining the location of the site of such building. [*Added by L.* 1917, *ch.* 137, *in effect April* 5, 1917.]

§ 189-e. Acquisition of site and erection of building. The board of education of a central high school district shall, when the site of the said high school building shall have

been designated as provided herein, submit to the qualified electors of such district a proposition authorizing the levy and collection of a tax, in one sum or by installments, sufficient in amount for the purchase or acquisition of such site.

The said board of education shall also submit to the qualified electors of the said central high school district a proposition authorizing the levy and collection of a tax in installments, for the erection on such site of a new building suitable for high school purposes and for the construction of such improvements or structures on such site as may be required for the establishment and maintenance of a high school in such district.

Such propositions shall be voted upon by the qualified electors of the district at a meeting called by the board of education of such central high school district, and for the purpose of voting upon such propositions the said district shall be deemed to be a school district and the provisions of this chapter relative to district meetings and the adoption of propositions authorizing the levy of school taxes shall apply to meetings held in such central high school district for the purposes herein specified. [*Added by L.* 1917, *ch.* 137, *in effect April* 5, 1917.]

§ 189-f. Issue and sale of bonds. The board of education of such central high school district may, when a tax shall have been voted at a meeting of the qualified electors thereof, to be collected in installments, for the purpose of purchasing or acquiring a schoolhouse site or for erecting a school building or for the construction of improvements or structures on such site, as provided in the preceding section, borrow so much of the sum voted as may be necessary, at a rate not exceeding six per centum, and issue bonds or other evidences of indebtedness therefor, which shall be a charge upon the district and be paid at maturity, and which shall not be sold below par. Such bonds shall be sold in the manner provided by section four hundred and eighty of this chapter. [*Added by L.* 1917, *ch.* 137, *in effect April* 5, 1917.]

§ 189-g. Powers of board of education; laws applicable. The board of education of such central high school district shall have the same powers and duties in respect to the school therein as a board of education of a union free school district has, under this chapter, in respect to the schools in such district. Except as otherwise provided in this article, the provisions of this chapter as to the courses of study, the qualifications and

employment of teachers and the maintenance, conduct and supervision of public schools in union free school districts shall apply to a central high school in a central high school district established as herein provided. [*Added by L.* 1917, *ch.* 137, *in effect April* 5, 1917.]

§ 189-h. District meetings; vote upon school taxes. The annual meeting of a central high school district shall be held on the first Tuesday in June. Special meetings may be called in the same manner and for the same purposes as special meetings in union free school districts. Such meetings shall be held for the same purposes and in the same manner, and be subject to the same provisions of law, as like meetings in union free school districts, and all persons who are qualified electors of the school districts included in such central high school district may vote at such meetings.

The board of education of such district shall present at the annual meeting a detailed statement in writing of the estimated expenditures required for the support and maintenance of the central high school therein for the ensuing year. The said meeting shall vote the necessary taxes to meet such expenditures, in the same manner as taxes are voted at a district meeting in a union free school district. The provisions of sections three hundred and twenty-two to three hundred and twenty-six, inclusive, of this chapter, and all other provisions relative to the making of appropriations, the voting of taxes, and the expenditure of moneys for the support, maintenance and expenses of public schools in union free school districts, shall apply to the support, maintenance and expenses of a central high school in a central high school district established as provided in this chapter. [*Added by L.* 1917, *ch.* 137, *in effect April* 5, 1917.]

§ 189-i. Apportionment of expenses. The board of education of such central high school district shall cause to be apportioned among the school districts included in such district the amount required for the payment of the principal and interest of all bonds issued and sold as provided in this article for the purchase or acquisition of a school house site, the erection thereon of a new school building and the construction of improvements and other structures on such site, and for the payment of the authorized expenditures for the maintenance, support and expenses of such high school during the ensuing school year. There shall be apportioned to each such district such portion of

such amount as the assessed valuation of the taxable property in such district bears to the total assessed valuation of all the school districts included in such central high school district. The board of education of such central high school district shall on or before August first of each year present to the board of education of each union free school district and to the trustee or board of trustees of each common school district in such central high school district a certified statement of the portion of such amount to be paid by each of such districts, and the said boards of education, boards of trustees or trustees shall cause the same to be raised by tax on the taxable property in such districts, in the same manner as other taxes for the support and maintenance of the schools therein. The board of education of a central high school district in the county of Westchester shall present such certified statements to the board of education of each union free school district and to the trustees or board of trustees of each common school district in such central high school district on or before the third Tuesday in June each year and such boards of education, boards of trustees or trustees shall include such amount in the annual school taxes for such districts and certify the same to the supervisor of the town before July first each year as provided in the laws applicable to such county. [*Added by L.* 1917, *ch.* 137, *in effect April* 5, 1917.]

§ 189-j. District treasurer and clerk; custody and disbursement of funds. The board of education of such district shall appoint a treasurer, who shall hold office during the pleasure of the board and shall be subject to the provisions of this chapter relative to the treasurer of a union free school district. The amount raised by tax in the several districts included within the central high school district for the support and maintenance of such central high school, as provided in this section, shall be paid to the treasurer of such central high school district and shall be paid out by him upon the orders of the board of education issued and executed in pursuance of a resolution of said board. The provisions of this chapter relative to the payment of claims against a union free school district shall apply, so far as practicable, to the payment of claims against a central high school district established as provided in this article. The board of education of such district may appoint one of its members or a qualified elector of such district as clerk of the district. [*Added by L.* 1917, *ch.* 137, *in effect April* 5, 1917.]

§ 189-k. State aid. Public moneys shall be apportioned to such central high school district on account of the central high school maintained therein, in the same amount and under the same conditions as in the case of apportionments to union free school districts on account of secondary instruction given in the public schools of such districts, under the provisions of this chapter. [*Added by L.* 1917, *ch.* 137, *in effect April* 5, 1917.]

§ 189-l. Transportation of pupils. The board of education of such central high school district may cause transportation to be furnished to the pupils of the districts entitled to attend such central high school who reside so remote from such schools that they will be deprived of the privilege of attendance thereat unless such transportation is furnished. The cost of such transportation shall be a charge against such central high school district and shall be raised by tax without a vote of the district and be paid in the same manner as other expenditures for the support and maintenance of such central high school. The commissioner of education may, upon sufficient notice to such board of education and after an opportunity to such board to be heard in its defense, issue an order directing such board to provide such transportation. [*Added by L.* 1917, *ch.* 137, *in effect April* 5, 1917.]

ARTICLE 7
District Meetings

Section 190. Notice of first meeting of district.
191. Service of notice of first meeting of district.
192. Second notice of first meeting of district.
193. Notice of annual meeting.
194. Time and place of annual meeting.
195. Annual meetings of districts re-formed after dissolution.
196. Special meeting to transact business of annual meeting.
197. Special meetings in common school districts.
198. Special meetings in union free school *district.
199. Call of special district meeting by school commissioner.
200. Effect of want of due notice of district meetings.
201. Penalty for failure to serve notice.
202. Duty to attend district meetings.

* So in original.

Section 203. Qualifications of voters at district meetings.
204. Declaration in case of challenge of voter.
205. Penalty for false declaration or unauthorized vote.
206. Powers of voters.
207. Vote on proposition to expend money.

§ 190. Notice of first meeting of district. Whenever any school district shall be formed, or two or more common school districts are consolidated as provided in section one hundred and thirty-two the district superintendent of schools, or any one or more of such district superintendents within whose districts it may be, shall prepare a notice describing such district, and appointing a time and place for the first district meeting, and deliver such notice to a taxable inhabitant of the district. [*Amended by L.* 1913, *ch.* 129.]

§ 191. Service of notice of first meeting of district. It shall be the duty of such inhabitant to notify every other inhabitant of the district qualified to vote at the meeting, by delivering to him a copy of the notice of such meeting, or in case of his absence from home, by leaving a copy thereof, or so much thereof as relates to the time, place and object of the meeting, at the place of his abode, at least six days before the time of the meeting.

§ 192. Second notice of first meeting of district. In case such meeting shall not be held, and in the opinion of the school commissioner it shall be necessary to hold such meeting, before the time herein fixed for the first annual meeting, he shall deliver another such notice to a taxable inhabitant of the district, who shall serve it as provided in section one hundred and ninety-one.

§ 193. Notice of annual meeting. 1. The district clerk of each common school district shall give notice of the time and place of the annual meeting by posting five notices of such meeting in five conspicuous places in the district five days previous to the date of such meeting. One of such notices must be posted on the front door of the school-house.

2. The clerk of each union free school district shall give notice of the time and place of the annual meeting by publishing a notice once in each week within the four weeks next preceding such district meeting, in two newspapers if there shall be two, or in one newspaper if there shall be but one, published in such district.

But if no newspaper shall then be published therein, the said notice shall be posted in at least twenty of the most public places in said district twenty days before the time of such meeting. [*Subdivision* 2 *amended by L.* 1915, *ch.* 171.]

§ 194. Time and place of annual meeting. The annual meeting of each school district shall be held on the first Tuesday of May in each year, and, unless the hour and place thereof shall have been fixed by a vote of a previous district meeting, the same shall be held in the schoolhouse at seven-thirty o'clock in the evening. If a district possesses more than one schoolhouse, it shall be held in the one usually employed for that purpose, unless the trustees designate another. If the district possesses no schoolhouse, or if the schoolhouse shall not be accessible, then the annual meeting shall be held at such place as a trustee, or, if there be no trustee, the clerk, shall designate in the notice. Provided, however, that in union free school districts whose limits do not correspond with those of an incorporated city or village, the board of education may at any regular meeting, by resolution duly adopted and entered upon its minutes, determine that the annual meeting of such union free school district shall be held on the first Tuesday in August; and thereafter until such determination shall be changed, such annual meeting shall be held on the first Tuesday in August of each year; and where any such district shall have heretofore or hereafter determined that the election of the members of the board of education shall be held on the Wednesday next following the day designated by law for holding the annual meeting of such district as provided by section three hundred and three of the education law, such election shall be held at the time so determined until such determination shall be changed. [*Amended by L.* 1910, *ch.* 442, *L.* 1913, *ch.* 440, *and L.* 1915, *ch.* 232.]

§ 195. Annual meetings of districts reformed after dissolution. The districts formed by the dissolution of a union free school district, as provided in sections one hundred and forty-six and one hundred and forty-seven of this chapter shall hold their annual meetings on the first Tuesday of May next after the dissolution of such union free school district, and shall elect officers as now required by law. [*Amended by L.* 1913, *ch.* 129.]

§ 196. Special meeting to transact business of annual meeting. Whenever the time for holding the annual meeting in school districts shall pass without such meeting being

held in a district, a special meeting shall thereafter be called by the trustees or by the clerk of such district for the purpose of transacting the business of the annual meeting; and if no such meeting be called by the trustees or the clerk within ten days after such time shall have passed, the school commissioner of the commissioner district in which said school district is situated or the commissioner of education may order any inhabitant of such district to give notice of such meeting in the manner provided in section one hundred ninety-one, and the officers of the district shall make to such meeting the reports required to be made at the annual meeting, subject to the same penalty in case of neglect; and the officers elected at such meeting shall hold their respective offices only until the next annual meeting and until their successors are elected and shall have qualified.

§ 197. Special meetings in common school districts. 1. A special district meeting shall be held whenever called by the trustees. The notice thereof shall state the purposes for which it is called, and no business shall be transacted at such special meeting, except that which is specified in the notice; and the district clerk, or, if the office be vacant, or the clerk be sick or absent, or shall refuse to act, a trustee, or some taxable inhabitant, by order of the trustees, shall serve the notice upon each inhabitant of the district qualified to vote at district meetings, at least six days before the day of the meeting, in the manner prescribed in section one hundred ninety-one.

2. The inhabitants of a district may, at any annual meeting, adopt a resolution prescribing some other mode of giving notice of special meetings, which resolution and the mode prescribed thereby shall continue in force until rescinded or modified at some subsequent annual meeting.

§ 198. Special meetings in union free school districts. 1. Boards of education shall have power to call special meetings of the inhabitants of their respective districts whenever they shall deem it necessary and proper, in the manner prescribed in subdivision two of section one hundred and ninety-three of this chapter.

2. In union free school districts whose limits correspond with those of any incorporated village or city, the boards of education shall have power to call special meetings of the inhabitants of their respective districts for the purposes mentioned in section four hundred and sixty-seven in the manner prescribed in said subdivision two of section one hundred and ninety-three.

§ 199. Call of special district meeting by school commissioner. When the clerk and all the trustees of a school district shall have removed from the district, or their office shall be vacant, so that a special meeting can not be called, as hereinbefore provided, the school commissioner may in like manner give notice of, and call a special district meeting.

§ 200. Effect of want of due notice of district meetings. The proceedings of no district meeting, annual or special, shall be held illegal for want of a due notice to all the persons qualified to vote thereat, unless it shall appear that the omission to give such notice was wilful and fraudulent.

§ 201. Penalty for failure to serve notice. Every taxable inhabitant, to whom a notice of any district meeting shall be delivered for service pursuant to any provisions of this article, who shall refuse or neglect to serve the same, as hereinbefore prescribed, shall forfeit five dollars for the benefit of the district.

§ 202. Duty to attend district meetings. Whenever any district meeting shall be duly called, it shall be the duty of the inhabitants qualified to vote thereat, to assemble at the time and place fixed for the meeting.

§ 203. Qualifications of voters at district meetings. A person shall be entitled to vote at any school meeting for the election of school district officers, and upon all other matters which may be brought before such meeting who is:

1. A citizen of the United States.
2. Twenty-one years of age.
3. A resident within the district for a period of thirty days next preceding the meeting at which he offers to vote; and who in addition thereto possesses one of the following four qualifications:

a. Owns or hires, or is in the possession under a contract of purchase of real property in such district liable to taxation for school purposes, or

b. Is the parent of a child of school age, provided such child shall have attended the district school in the district in which the meeting is held for a period of at least eight weeks during the year preceding such school meeting, or

c. Not being the parent, has permanently residing with him a child of school age who shall have attended the district school for a period of at least eight weeks during the year preceding such meeting, or

d. Owns any personal property, assessed on the last preceding

assessment-roll of the town, exceeding fifty dollars in value, exclusive of such as is exempt from execution.

No person shall be deemed to be ineligible to vote at any such meeting, by reason of sex, who has the other qualifications required by this section.

§ 204. Declaration in case of challenge of voter. If a person offering to vote at any school district meeting shall be challenged as unqualified, by any legal voter in such district, the chairman presiding at such meeting shall require the person so offering, to make the following declaration: "I do declare and affirm that I am, and have been, for the thirty days last past, an actual resident of this school district and that I am qualified to vote at this meeting." And every person making such declaration shall be permitted to vote on all questions proposed at such meeting; but if any person shall refuse to make such declaration, his vote shall be rejected.

§ 205. Penalty for false declaration or unauthorized vote. A person who shall wilfully make a false declaration of his right to vote at a school meeting, after his right to vote thereat has been challenged, shall be deemed guilty of a misdemeanor. And a person not qualified to vote at such meeting, who shall vote thereat, shall thereby forfeit ten dollars, to be sued for by the supervisor for the benefit of the common schools of the town.

§ 206. Powers of voters. The inhabitants entitled to vote, when duly assembled in any district meeting, shall have power, by a majority of the votes of those present:

1. To appoint a chairman.
2. To appoint a clerk for the time if the district clerk is absent.
3. To adjourn from time to time as occasion may require.
4. To elect one or three trustees as hereinafter provided, a district clerk and a district collector, and in any district which shall so determine, as hereinafter provided, to elect a treasurer, at their first meeting, and so often as such offices or any of them become vacated, except as hereinafter provided.
5. At the first meeting, or at any subsequent annual meeting, or at any special meeting duly called for that purpose, the qualified voters of any school district are authorized to adopt by a vote of a majority of such voters present and voting, to be ascertained by taking and recording the ayes and noes, a resolution to elect a treasurer of said district, who shall be the custodian of all

moneys belonging to said district, and the disbursing officer of such moneys. If such resolution shall be adopted, such voters shall thereupon elect by ballot a treasurer for said district. Any person elected treasurer at any meeting other than an annual meeting, shall hold office until the next annual meeting after such election, and until his successor shall be elected or appointed, and thereafter a treasurer shall be elected at each annual meeting for the term of one year. [*Subdivision* 5 *amended by L.* 1910, *ch.* 442.]

6. To fix the amount in which the collector and treasurer shall give bonds for the due and faithful performance of the duties of their offices.

7. To designate a site for a schoolhouse, or for grounds to be used for playgrounds, or for agricultural, athletic center and social center purposes, or, with the consent of the district superintendent of schools within whose district the school district lies, to designate sites for two or more schoolhouses for the district. Such designation of a site for a schoolhouse, or for such grounds, can be made only at a special meeting of the district, duly called for such purpose by a written resolution in which the proposed site shall be described by metes and bounds, and which resolution must receive the assent of a majority of the qualified voters present and voting, to be ascertained by taking and recording the ayes and noes, or by ballot. [*Subdivision* 7, *amended by L.* 1913, *ch.* 221.]

8. To vote a tax upon the taxable property of the district, to purchase, lease and improve such sites or an addition to such sites and grounds for the purposes specified in the preceding subdivision, to hire or purchase rooms or buildings for schoolrooms or schoolhouses, or to build schoolhouses; to keep in repair and furnish the same with necessary fuel, furniture and appurtenances, and to purchase such implements, apparatus and supplies as may be necessary to provide instruction in agriculture and other subjects, and for the organization and conduct of athletic, playground and other social center work. [*Subdivision* 8 *amended by L.* 1913, *ch.* 221.]

9. To vote a tax, not exceeding twenty-five dollars in any one year, for the purchase of maps, globes, reproductions of standard works of art, blackboards and other school apparatus, and for the purchase of text-books and other school necessaries for the use of poor scholars of the district. [*Subdivision* 9 *amended by L.* 1914, *ch.* 216.]

10. To vote a tax for the establishment of a school library and the maintenance thereof, or for the support of any school library already owned by said district, and for the purchase of books therefor, and such sum as they may deem necessary for the purchase of a book-case.

11. To vote a tax to supply a deficiency in any former tax arising from such tax being, in whole or in part, uncollectible.

12. To authorize the trustees to cause the school-houses, and their furniture, appurtenances and school apparatus to be insured by any insurance company created by or under the laws of this state, or any other insurance company authorized by law to transact business in this state.

13. To alter, repeal and modify their proceedings, from time to time, as occasion may require.

14. To vote a tax for the purchase of a book for the purpose of recording their proceedings.

15. To vote a tax to replace moneys of the district, lost or embezzled by district officers; and to pay the reasonable expenses incurred by district officers in defending suits or appeals brought against them for their official acts, or in prosecuting suits or appeals by direction of the district against other parties.

16. To vote a tax to pay whatever deficiency there may be in teachers' wages after the public money apportioned to the district shall have been applied thereto.

17. To vote a tax to pay and satisfy of record any judgments of a competent court which may have been or shall hereafter be obtained in an action against the trustees of the district for unpaid teachers' wages, where the time to appeal from said judgments shall have lapsed, or there shall be no intent to appeal on the part of such district, or the said judgments are or shall be of the court of last resort.

18. Whenever any district shall have contracted with the school authorities of any city, or other school district for the education therein of the pupils residing in such school district, or whenever in any school district children of school age shall reside so remote from the school-house therein that they are practically deprived of school advantages during any portion of the school year, the inhabitants thereof entitled to vote are authorized to provide, by tax or otherwise, for the conveyance of any or all pupils residing therein to the schools of such city, or district with which such contract shall have been made, or to the

school maintained in said district, and the trustees thereof may contract for such conveyance when so authorized in accordance with such rules and regulations as they may establish, and for the purpose of defraying any expense incurred in carrying out the provisions of this subdivision, they may if necessary use any portion of the public money apportioned to such district as a district quota.

§ 207. Vote on proposition to expend money. In all propositions arising at said district meetings, involving the expenditure of money, or authorizing the levy of taxes, the vote thereon shall be by ballot, or ascertained by taking and recording the ayes and noes of such qualified voters attending and voting at such district meetings.

ARTICLE 7-A

(*Added by L.* 1917, *ch.* 791, *in effect June* 8, 1917.)

School Elections in Certain Cities

Section 208. Application of article.
209. Annual school election.
210. Qualifications of electors.
211. Division of city or district into districts; elections held in schoolhouses.
212. Notices of election.
213. Preparation of poll lists; correction.
214. Inspectors of election; organization.
215. Nomination and ballot.
216. Conduct of election; challenges.
217. Canvass of votes and return to board of education; declaration of result.
218. Use of voting machines.

§ 208. Application of article. This article shall apply to each city in the state, in which members of the board of education are elected by the qualified electors of such city at an election other than a general or municipal election. [*Added by L.* 1917, *ch.* 791, *in effect June* 8, 1917.]

§ 209. Annual school election. 1. An annual election shall be held on the first Tuesday of May in each city to which this article applies.

2. The polls of such election shall be open from twelve o'clock noon until eight o'clock in the evening. [*Added by L.* 1917, *ch.* 791, *in effect June* 8, 1917.]

§ 210. Qualifications of voters. A person shall be entitled to vote at a school election in such city who is:

1. A citizen of the United States.

2. Twenty-one years of age.

3. A resident within the election district for a period of thirty days next preceding the election at which he offers to vote; and who in addition thereto possesses one of the following four qualifications.

a. Owns or hires real property in such district or is in the possession of such property under a contract of purchase, assessed upon the last preceding assessment-roll of the city, or

b. Is the parent of a child of school age, provided such child shall have attended the public schools in the city in which the election is held for a period of at least eight weeks during the year preceding such election, or

c. Not being the parent, has permanently residing with him a child of school age who shall have attended such public schools for a period of at least eight weeks during the year preceding such election, or

d. Owns personal property, assessed on the last preceding assessment-roll of the city, exceeding fifty dollars in value, exclusive of such as is exempt from execution.

No person shall be deemed to be ineligible to vote at any such election, by reason of sex, who has the other qualifications required by this section. [*Added by L.* 1917, *ch.* 791, *in effect June* 8, 1917.]

§ 211. Division of city into districts; elections held in schoolhouses. The board of education of each such city shall adopt a resolution on or before the first day of April, preceding the first annual school election held hereunder, dividing the city into school election districts. The city shall be so divided, that if circumstances will permit, there shall be a schoolhouse in each district and each district shall contain not more than one thousand qualified voters. The districts thus formed shall continue in existence until modified by resolution of the board of education. Such resolution shall accurately describe the boundaries of such districts by streets, alleys and highways, when practicable, and shall so far as may be, include one or more of the regular election districts of such city. School elections shall be held in such districts so far as may be possible in the public schoolhouses therein. If there is no public school-

house in a district the board of education shall by resolution designate the place where the election in such district shall be held. [*Added by L.* 1917, *ch.* 791, *in effect June* 8, 1917.]

§ 212. Notice of election. The board of education shall cause a notice of the annual school election to be published at least once in each week for the four weeks preceding such election, in at least two newspapers published in such city. Such notice shall state the day of election and the hours during which the polls are to be open, shall accurately describe the boundaries of the school election districts into which the city is divided, and shall specify the schoolhouses or other places therein where such election will be held. Such notice shall also state that poll lists prepared by the clerk of the board of education as required by this article containing the names of the qualified electors of each school election district are on file and may be examined at the office of such clerk or of the superintendent of schools of such city. [*Added by L.* 1917, *ch.* 791, *in effect June* 8, 1917.]

§ 213. Preparation of poll lists; correction. 1. The secretary or clerk of the board of education in each such city shall on or before the first day of April in each year prepare a poll list for each school election district which shall contain the names of all persons residing in such district who shall be qualified to vote for candidates for the offices of members of the board of education at the ensuing election. The names on such list shall be arranged alphabetically by the surnames, and the place of residence by street and number of each person named on such list, if any, and if not, some description accurately locating such place of residence shall be given on such list.

2. Such list shall be placed on file in the office of the secretary or clerk of the board of education or some other suitable and accessible place to be designated by the board of education where it may be examined by persons interested therein during the office hours of such secretary or clerk for thirty days preceding the annual school election and from four to eight o'clock in the evening of each Friday and Saturday of the four weeks immediately preceding the election. The secretary or clerk of the board of education or some person to be designated by such board shall attend at such office at such times, and shall permit such lists to be examined by the public.

3. Any person whose name is not upon such list, who is or will be a qualified voter of the city at such election, may file a

written statement with the secretary or clerk of the board of education giving his name, place or residence, occupation and the school election district in which he resides, and specifying the qualifications which entitle him to vote at such election. The name of such voter shall thereupon be placed on such poll list. If such person appears before the secretary or clerk of the board of education and furnishes the information above required, such secretary or clerk shall place his name upon the poll list.

4. If a qualified voter is a resident of a school election district and his name appears on a poll list as a resident of another district, a written statement may be filed by such voter with the secretary or clerk of the board of education showing his correct residence and the name of such voter shall thereupon be stricken from such poll list and placed upon the proper poll list.

5. The board of education shall furnish blanks for such statements, which shall be used by the voters in presenting the facts above prescribed. No change or alteration of such list shall be made by any person before the correction and revision thereof as hereinafter provided.

6. Such statements and challenges shall be received and preserved by the secretary or clerk of the board or other person designated by the board, and on the Monday preceding the annual election such secretary or clerk shall correct and revise each of such duplicate lists by striking therefrom and inserting in their proper places the names of persons who have filed the statements above referred to and shall indicate on such lists the persons whose qualifications as voters have been challenged.

7. Such corrected and revised lists shall be filed in the office of the secretary or clerk of the board of education. Such board shall cause a copy of the list of each election district to be delivered on the day of the election, before the opening of the polls therein, to the inspectors of such districts, at the place where the election in such district is to be held.

8. A qualified voter may, upon the examination of such list, file a written challenge of the qualifications as a voter of any person whose name appears on such list. Such challenge shall be written and shall be on blanks to be furnished by the board of education. [*Added by L.* 1917, *ch.* 791, *in effect June* 8, 1917.]

§ 214. Inspectors of election; organization. The board of education shall appoint not less than ten days prior to each school election three qualified voters residing in each school election district to act as inspectors of elections in such district

at the annual election. The secretary or clerk of the board of education shall given* written notice of appointment to the persons so appointed. If a person appointed an inspector of election refuses to accept such appointment or fails to serve, the board may appoint a qualified voter of the school election district to fill the vacancy. Not more than two additional inspectors of elections for each district may be appointed for one or more of such school election districts, when, in the opinion of the board, special circumstances exist requiring the services of such additional inspectors. Such inspectors shall, before opening the polls in the election district for which they are appointed, organize by electing one of their number as chairman, and one as poll clerk. Each inspector shall receive for his services a compensation of three dollars, to be paid out of the school funds in the same manner as other claims against the city or district. [*Added by L.* 1917, *ch.* 791, *in effect June* 8, 1917.]

§ 215. Nomination and ballot. 1. Candidates for members of the board of education in a city to which this article applies shall be nominated by petition directed to the board of education and signed by at least thirty persons qualified to vote at school elections in such city. Such petition shall contain the name and residences of the candidates for the vacancies in the board of education to be filled at the annual election and shall state whether such candidates are nominated for full terms or for the unexpired portions of such terms. Such petitions shall be filed with the secretary or clerk of the board of education on or before the tenth day preceding the day of the annual election.

2. The board of education shall cause to be printed official ballots containing the names of all candidates as above provided. The ballots shall separately state whether the persons named thereon are candidates for full terms or for unexpired terms. The names of the candidates shall be arranged alphabetically according to their surnames in columns under titles or designations showing whether they are to be elected for full terms or unexpired terms. Blank spaces shall be provided so that voters may vote for candidates who have not been nominated for the offices to be filled at such election. The form of such ballots shall conform substantially to the form of ballots used at general elections as prescribed in the election law. Such ballots shall be printed at the expense of the city and the cost thereof shall be paid out of funds appropriated for school purposes and available therefor.

* So in original.

3. There shall be delivered to the inspectors in each school election district on the day of the annual election a supply of such ballots which shall at least equal the number of qualified voters in such district as appears from the poll list thereof.

4. Such ballots shall have printed thereon instructions as to the marking of the ballots and the number of candidates for the several offices for which a voter is permitted to vote.

5. If official ballots are not furnished as above provided, an election of members of a board of education in such city shall not be declared invalid or illegal because of the use of ballots which do not conform to the requirements of this section or of the provisions of the election law, provided the intent of the voter may be ascertained from the use of such irregular or defective ballots and such use was not fraudulent and did not substantially affect the result of the election. [*Added by L.* 1917, *ch.* 791, *in effect June* 8, 1917.]

§ 216. Conduct of election; challenges. 1. Such election shall be conducted, so far as may be, in accordance with the provisions of the election law, relative to general elections, except as otherwise provided herein. Ballot boxes shall be provided by the board of education for each school election district, one to contain the ballots voted and the other for the rejected or defective ballots.

2. All persons whose names appear upon the poll list as residing in such election district shall be permitted to vote and shall be given ballots for such purpose.

3. Booths shall be provided and voters shall be required to enter such booths for the purpose of marking their ballots. The ballots when presented to the inspector shall be folded so as to conceal the names of the candidates for whom the voter has voted.

4. All voters entitled to vote who are in the place where the election is held at or before the time of closing the polls shall be allowed to vote. The inspectors shall keep a poll list, containing the name and address of each qualified elector who votes at such election for the candidates or propositions or questions voted for thereat.

5. Any qualified voter of a district may challenge the right of a person to vote at the time when he requests a ballot. All persons named upon the poll list as having been challenged prior to the day of the election shall also be challenged before they are given ballots to vote. The chairman of the board of inspectors shall administer to each person so challenged the following oath:

"I do solemnly swear (or affirm) that I am a citizen of the United States; that I am of the age of twenty-one years or more; that I have been for the thirty days last past an actual resident of this city; and that in addition thereto I possess one of the four qualifications prescribed by section two hundred and ten of the education law, to wit:—(Here state facts upon which qualifications are claimed), and am therefore qualified to vote at this election." The chairman of the board of inspectors shall before administering such oath inform the person so challenged of the four qualifications prescribed by such section. If the person challenged so swears or affirms, he shall be permitted to vote at such election; but if he shall refuse to so swear or affirm, he shall not be given a ballot or be permitted to vote.

6. A person who wilfully swears or affirms falsely as to his right to vote at such election after his right to vote has been challenged is guilty of perjury and may be punished in the manner provided by law for the punishment of such crime. A person who is not qualified to vote at such election who shall vote thereat, although not challenged, shall be guilty of misdemeanor, punishable by a fine of not less than twenty-five dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment. [*Added by L.* 1917, *ch.* 791, *in effect June* 8, 1917.]

§ 217. Canvass of votes and return to board of education; declaration of result. 1. Immediately upon the close of the polls the inspectors of each school election district shall count the ballots found in the ballot box without unfolding them, except so far as is necessary to ascertain that each ballot is single. They shall compare the number of ballots found in the ballot box with the number of persons recorded on the poll list as having voted at the election. If the number of ballots found in the ballot box shall exceed the number of names, such ballots shall be replaced without being unfolded in the box from which they were taken and shall be thoroughly mingled in such box and one of the inspectors designated by the board shall then publicly draw out as many ballots as shall be equal to the number of excess ballots. The ballots so drawn out shall be enclosed without unfolding in an envelope which shall be sealed and endorsed with a statement of the number of such excess ballots withdrawn from the box and shall be signed by the inspector who withdrew such ballots. Such envelope with the excess ballots therein shall be placed in the box for the defective or spoiled ballots.

2. The ballots shall be counted or canvassed by the inspectors in the manner provided for the canvassing of ballots at a general election except as otherwise provided herein. The votes cast for each candidate shall be tallied and counted by the inspectors and a statement shall be made containing the names of each candidate receiving votes in such district and the number of votes cast for each candidate. Such statement shall also give the number and describe the ballots which are declared void and shall also specify the number of wholly blank ballots cast. Such statement shall be signed by the inspectors. The ballots which were declared void and not counted shall be enclosed in an envelope which shall be sealed and endorsed as containing void ballots and signed by the inspectors. Such envelope shall be placed in the ballot box containing the defective and spoiled ballots.

3. After the ballots are counted and the statements have been made as required herein the ballots shall be replaced in the ballot box. Each box shall be securely locked and sealed and deposited by an inspector designated for the purpose with the secretary or clerk of the board of education. The unused ballots shall be placed in a sealed package and returned by the inspector designated for such purpose to the said secretary or clerk at the same time that such ballot boxes are delivered to him. The statement of the canvass of the votes shall be delivered to the secretary or clerk of the board of education on the day following the annual election.

4. The board of education shall meet at the usual place of meeting at eight o'clock in the evening of the day following such election and shall forthwith examine and tabulate the statements of the result of the election in the several school election districts. The said board shall canvass the returns as contained in such statements and shall determine the number of votes cast for each candidate in the several school election districts. The board shall thereupon declare the result of the canvass. The candidates receiving a plurality of the votes cast respectively for the several offices shall be declared elected. The secretary or clerk of the board of education shall record the result of the election as announced by the board of education.

5. The secretary or clerk of the board of education shall within twenty-four hours after the result of the election has been declared serve a written notice either personally or by mail upon each person declared to be elected as a member of the board of education. [*Added by L.* 1917, *ch.* 791, *in effect June* 8, 1917.]

§ 218. Use of voting machines. In a city in which voting machines are used at general or municipal elections, it shall be lawful for the board of education of such city to authorize the use of such voting machines at a school election. When such voting machines are used the law relating to the use of such machines at a general or municipal election shall apply to and govern the use of such machines in a school election. [*Added by L.* 1917, *ch.* 791, *in effect June* 8, 1917.]

ARTICLE 8

School District Officers; General Provisions

Section 220. Officers of district.
221. Qualifications of officers.
222. Ineligibility to office.
223. Oath of office.
224. Terms of office.
225. Terms of officers of newly created district.
226. Number of trustees; determination of change.
227. Election of officers.
228. Notice and acceptance of election.
229. Refusal of trustee to serve.
230. Penalty for refusal to serve or perform duty.
231. Resignation of district officers.
232. Vacating office.
233. Filling vacancy in office of trustee.
234. Filling vacancy in office of clerk, collector or treasurer.
235. Notice of appointment to fill vacancy and filing thereof.
236. District records, books, et cetera, are district property.

§ 220. Officers of district. 1. Each school district shall have from one to three trustees as the district determines, a clerk, a collector and if the district so decides a treasurer.

2. A union free school district shall have from three to nine trustees as the district shall determine.

§ 221. Qualifications of officers. Every school district officer must be able to read and write and must be a qualified voter of the district.

§ 222. Ineligibility to office. 1. No school commissioner or supervisor is eligible to the office of trustee or member of a board of education, and no trustee can hold the office of district clerk, collector, treasurer or librarian.

2. A person removed from a school district office shall be ineligible to appointment or election to any district office for a period of one year from the date of such removal.

3. Not more than one member of a family shall be a member of the same board of education in any school district.

§ 223. Oath of office. No officer of a school district shall be required to take the constitutional oath of office.

§ 224. Term of office. 1. In a district having three or more trustees the full term of office of trustee shall be three years, but a trustee may be elected for one or two years as provided in this chapter.

2. In a district having a sole trustee the term of office of trustee shall be one year.

3. The term of office of all other district officers shall be one year.

4. One year, within the meaning of this section, is a school year. A school year shall be from August first until July thirty-first following. [*Subdivision* 4 *amended by L.* 1910, *ch.* 442.]

§ 225. Terms of officers of newly created district. The terms of all officers elected at the first meeting of a newly created district shall expire on the first Tuesday of May next thereafter. [*Amended by L.* 1913, *ch.* 129.]

§ 226. Number of trustees; determination of change. 1. At the first annual meeting next after the erection of a district the electors shall determine, by resolution, whether the district shall have one or three trustees; and if they resolve to have three trustees, shall elect the three for one, two and three years, respectively, and shall designate by their votes for which term each is elected; thereafter in such district, one trustee shall be elected at each annual meeting to fill the office of the outgoing trustee.

2. The electors of any district having three trustees shall have power to decide at any annual meeting by a majority vote of those present and voting, whether the district shall have a sole trustee or three trustees. If they resolve to have a sole trustee, the trustees in office shall continue in office until their terms of office shall expire. No election of a trustee shall be had in the district until the offices of such trustees shall become vacant by the expiration

of their terms of office or otherwise, and thereafter but one trustee shall be elected for said district.

3. The electors of a district having but one trustee may determine at an annual meeting, by a two-thirds vote of the legal voters present thereat, to have three trustees; and upon the adoption of a resolution to that effect, shall proceed to elect three trustees or such number as may be necessary to form a board of three trustees, in the same manner as provided in this section for the election of three trustees at the first annual meeting after the erection of a district; and thereafter in such district, one trustee shall be elected for three years, at each annual meeting, to fill the office of the outgoing trustee.

§ 227. Election of officers. 1. All district officers shall be elected by ballot and the trustees shall provide a suitable ballot box for such purpose.

2. Two inspectors of election shall be appointed in such manner as the meeting shall determine, who shall receive the votes cast, canvass the same and announce the result of the ballot to the chairman.

3. A poll-list containing the name of every person whose vote shall be received shall be kept by the clerk of the meeting.

4. The ballots shall be written or printed, or partly written and partly printed, containing the name of the person voted for and designating the office for which each is voted.

5. The chairman shall declare to the meeting the result of each ballot, as announced to him by the inspectors, and the persons having the majority of votes, respectively, for the several *officers, shall be elected.

§ 228. Notice and acceptance of election. 1. The district clerk shall forthwith notify in writing each person elected to office of his election and the date thereof.

2. Such person shall be deemed to have accepted the office, unless within five days after the service of such notice, he shall file his written refusal with the clerk. The presence of any such person at the meeting which elects him to office, shall be deemed a sufficient notice to him of his election.

§ 229. Refusal of trustee to serve. A trustee who publicly declares that he will not accept or serve in the office of trustee, or refuses or neglects to attend three successive meetings of the board, of which he is duly notified, without rendering a

* So in original.

good and valid excuse therefor to the other trustees vacates his office by refusal to serve.

§ 230. Penalty for refusal to serve or perform duty. 1. Every person chosen or appointed to a school district office and being duly qualified to fill the same who shall refuse to serve therein shall forfeit the sum of five dollars.

2. Every person chosen or appointed to a school district office and not refusing to accept the same who shall wilfully neglect or refuse to perform any duty thereof shall by such neglect or refusal vacate his office and also forfeit the sum of ten dollars.

3. The school commissioner of the commissioner district wherein any such person resides may accept his written resignation of the office, and the filing of such resignation and acceptance in the office of the district clerk shall be a bar to the recovery of either penalty under this section.

4. These penalties shall be for the benefit of the district for which such officer was appointed or elected.

§ 231. Resignation of district officers. A school district officer may resign to a district meeting. Such officer shall also be deemed to have resigned if he files a written resignation with the school commissioner of his district and such commissioner endorses thereon his approval and files the same with the district clerk.

§ 232. Vacating office. 1. A school district office becomes vacant by the death, resignation, refusal to serve, incapacity, removal from the district or from office.

2. The collector or treasurer vacates his office by not executing a bond to the trustees, as herein required.

3. A trustee or a member of a board of education vacates his office by the acceptance of either the office of school commissioner or supervisor.

§ 233. Filling vacancy in office of trustee. 1. A vacancy in the office of trustee in any district may be filled by election within thirty days after it occurs. If not so filled the school commissioner of the commissioner district, within which the school-house or principal school-house of the district is situated, may appoint a competent person to fill it.

2. If a vacancy in the office of trustee in a union free school district exists the commissioner of education may order a special election for filling such vacancy. When such special election is ordered the vacancy shall not be filled otherwise.

3. If such vacancy is supplied by a district meeting, it shall be for the balance of the unexpired term; but when such vacancy is supplied by appointment by a school commissioner it shall be only until the next annual meeting of the district.

§ 234. Filling vacancy in office of clerk, collector or treasurer. A vacancy in the office of clerk, collector or treasurer, may be filled by appointment by the trustees of the district, and the appointees shall hold their respective offices until the next annual meeting of the district, and until their successors are elected and have qualified.

§ 235. Notice of appointment to fill vacancy and filing thereof. Every appointment to fill a vacancy shall be forthwith filed, by the school commissioner or trustees making it, in the office of the district clerk, who shall immediately give notice of the appointment to the person appointed.

§ 236. District records, books, etc., are district property. The records, books and papers belonging or appertaining to the office of any officer of a school district are hereby declared to be the property of such district and shall be open for inspection by any qualified voter of the district at all reasonable hours, and any such voter may make copies thereof.

ARTICLE 9
District Clerk; Treasurer; Collector

Section 250. Duties of district clerk.
251. Duties of district treasurer.
252. Collector's bond.
253. Collector to disburse teachers' fund.
254. Clerk, treasurer and collector in union free school district.
255. Payments and reports by collector.
256. Liability of collector for moneys lost.
257. Remedy of trustees against collector in default.

§ 250. Duties of district clerk. It shall be the duty of the clerk of each school district:

1. To record the proceedings of all meetings of the voters of his district in a book to be provided for that purpose by the district, and to enter therein true copies of all reports made by the trustees to the school commissioner.

2. To give notice, in the manner prescribed by section one hundred ninety-one, of the time and place of holding special district meetings called by the trustees.

3. To affix a notice in writing of the time and place of any adjourned meeting, when the meeting shall have been adjourned for a longer time than one month, in at least five of the most public places of such district, at least five days before the time appointed for such adjourned meeting.

4. To give the required notice of every annual district meeting.

5. To give notice immediately to every person elected or appointed to office of his election or appointment; and also to report to the town clerk of the town in which the school-house of his district is situated, the names and post-office addresses of such officers, under a penalty of five dollars for neglect in each instance.

6. To notify the trustees of every resignation duly accepted by the school commissioner.

7. To keep and preserve all records, books and papers belonging to his office and to deliver the same to his successor. For a refusal or neglect so to do, he shall forfeit fifty dollars for the benefit of the schools of the district, to be recovered by the trustees.

8. To obey the order of the school commissioners as to depositing the books, papers and records of his office in the town clerk's office in case the district shall be dissolved.

9. To attend all meetings of the board of trustees when notified, and keep a record of their proceedings in a book provided for that purpose.

10. To call special meetings of the inhabitants whenever all the trustees of the district shall have vacated their office.

11. To immediately notify the county treasurer of the name and address of persons elected to the office of district treasurer, if a treasurer is elected, and of the district collector. [*Subdivision* 11, *added by L.* 1916, *ch.* 314.]

§ 251. Duties of district treasurer. 1. The treasurer of a school district shall be the custodian of all moneys belonging to the district from whatever source derived, and it is hereby made the duty of the trustees of such district to pay to such treasurer any and all moneys that may come into their hands belonging to such district derived from sales of personal or real property of the district, from insurance policies, from bonds of the district issued and sold by them, or from any other source whatever.

2. The collector of such district shall pay over to such treasurer all moneys collected by him under and by virtue of any tax list and warrant issued and delivered to him.

3. Such treasurer is hereby authorized and empowered to demand and receive from the supervisor of the town in which such school district is situated all public money apportioned to said district.

4. It shall be the duty of such treasurer within ten days after notice of his election to execute and deliver to the trustees of such district, his bond in such sum as shall have been fixed by a district meeting or as such trustees shall require, with at least two sureties to be approved by such trustees, conditioned to faithfully discharge the duties of his office, and to well and truly account for all moneys received by him, and to pay over any sums of money remaining in his hands to his successor in office. Such bond when so executed and approved in writing by such trustees shall be filed with the district clerk.

5. No moneys shall be paid out or disbursed by such treasurer except upon the written orders of a sole trustee, or a majority of the trustees.

6. Such treasurer shall, whenever required by such trustees report to them a detailed statement of the moneys received by him, and his *disbursments, and at the annual meeting of such district he shall render a full account of all moneys received by him and from what source, and when received, and all disbursements made by him and to whom and the dates of such disbursements respectively, and the balance of moneys remaining in his hands.

§ 252. Collector's bond. 1. Within such time, not less than ten days, as the trustees shall allow him for the purpose, the collector, before receiving the first warrant for the collection of money, shall execute a bond to the trustees, with one or more sureties, to be approved by a majority of the trustees, in such amount as the district meeting shall have fixed, or if such meeting shall not have fixed the amount then in such amount as the trustees shall deem reasonable, conditioned for the due and faithful execution of the duties of his office.

2. The trustees, upon receiving said bond, shall, if they approve thereof, indorse their approval thereon, and forthwith deliver the same to the town clerk of the town in which said collector resides, and said clerk shall file the same in his office, and enter in a book to be kept by him for that purpose, a memorandum, showing the date of said bond, the names of the parties and sureties thereto,

* So in original.

the amount of the penalty thereof, and the date and time of filing the same, and said town clerk is authorized to receive as a fee for such filing and memorandum the sum of twenty-five cents, which sum is hereby made a charge against the school district interested in said bond.

§ 253. Collector to disburse teachers' fund. 1. The trustees of a school district which has not a treasurer may direct by resolution duly entered on the minutes of their proceedings the collector of such district to disburse to teachers the money apportioned by the state for teachers' salaries.

2. The collector shall thereupon execute a bond to the trustees, with two or more sureties, in double the amount of the last apportionment, with like condition of sureties, approval of trustees, and amount and like directions as to filing as are required in the preceding section for a bond for the collection of taxes, and conditioned also for the due and faithful execution of the duties of his office as such disbursing agent.

§ 254. Clerk, treasurer and collector in union free school district. 1. In every union free school district the board of education shall have power to appoint one of their number, or some other qualified voter in said district who is not a teacher employed therein as clerk of the board of education of such district.

2. Such clerk shall also act as clerk of said district, and shall perform all the clerical and other duties pertaining to his office, and for his services he shall be entitled to receive such compensation as shall be fixed at an annual meeting of such district.

3. In case no provision is made at an annual meeting for the compensation of a clerk the board of education may fix the same.

4. Said board of education in every union free school district whose limits do not correspond with those of an incorporated village or city shall appoint a district treasurer, and a collector who shall hold office during the pleasure of the board. The board shall also fix the compensation of the treasurer.

5. Such treasurer and collector shall each, and within ten days after notice in writing of his appointment, duly served upon him, and before entering upon the duties of his office, execute and deliver to the said board of education a bond, with such sufficient penalty and sureties as the board may require, conditioned for the faithful discharge of the duties of his office; and in case such

bond shall not be given within the time specified, such office shall thereby become vacant, and said board shall thereupon, by appointment, fill such vacancy.

6. So much of this section as relates to the election of a clerk shall not apply to the towns of Cortlandt and White Plains in Westchester county.

§ 255. Payments and reports by collector. 1. The collector shall keep in his possession all moneys received or collected by him by virtue of any warrant, or received by him from the county treasurer or board of supervisors for taxes returned as unpaid; or moneys apportioned by the state or raised by direct taxation for teachers' wages or library, and pay the same out upon the written order of a majority of the trustees.

2. When a treasurer shall have been elected in a district, the collector shall pay over the moneys collected by him by virtue of his warrant, to said treasurer as provided in section two hundred and fifty-one; and he shall report in writing, at the annual meeting, all his collections, receipts and disbursements, and shall report to the supervisor on or before the first Tuesday of March in each year the amounts of school moneys in his hands not paid out on trustees' orders, and shall pay over to his successor in office, when such successor has duly qualified and given a bond as required by section two hundred and fifty-two, all moneys in his hands belonging to the district.

§ 256. Liability of collector for moneys lost. If by the neglect of the collector any moneys shall be lost to a school district, which might have been collected within the time limited in the warrant delivered to him for their collection, he shall forfeit to such district the amount of the moneys thus lost, and shall account for and pay over the same to the trustees of such district, in the same manner as if they had been collected.

§ 257. Remedy of trustees against collector in default. For the recovery of all such forfeitures, and of all balances, in the hands of the collector, which he shall have neglected or refused to pay to his successor, or to the treasurer of such district, the trustees, in their name of office, shall have their remedy upon the official bond of the collector, or any action and any remedy given by law; and they shall apply all such moneys, when recovered, in the same manner as if paid without suit.

ARTICLE 10

Trustees

Section 270. Trustees constitute a board and body corporate.
271. Property held by trustees as corporation.
272. Powers and duties of a sole trustee.
273. Mode of exercise of trustees' powers.
274. Powers of trustees when vacancies on board exist.
275. Powers and duties of trustees.
276. Trustees' annual report.
277. Annual report of trustees of certain joint districts.
278. Trustees' annual report to district.
279. Penalty for failure of trustee to account.
280. Payment by trustee to successor.
281. Trustees' right *to action against predecessors.
282. Notice of non-payment of moneys apportioned.
283. Taxation for expenses incurred by trustees.
284. Issuing order in excess of available funds a misdemeanor.
285. Trustees must not be interested in district contracts.

§ 270. Trustees constitute a board and body corporate. The sole trustee or the trustees of a school district shall constitute a board for such district and such board is hereby created a body corporate.

§ 271. Property held by trustees as corporation. All property which is now vested in, or shall hereafter be transferred to the trustees of a district, for the use of schools in the district, shall be held by them as a corporation.

§ 272. Powers and duties of a sole trustee. The sole trustee of a district shall possess all the powers and be subject to all the duties, liabilities and penalties which the law imposes upon a board of three trustees.

§ 273. Mode of exercise of trustees' powers. 1. The powers committed by law to the trustees of a district must be exercised by them as a board. The board must meet for the transaction of business in accordance with notice of time and place.

2. In a board composed of three trustees, when only two meet to deliberate upon any matter, and the third, if notified, does not

*So in original.

attend, or the three meet and deliberate thereon, the conclusion of two upon the matter, and their order, act or proceeding in relation thereto, shall be as valid as though it were the conclusion, order, act or proceeding of the three; and a recital of the two in their minute of the conclusion, act or proceeding, or in their order, act or proceeding of the fact of such notice, or of such meeting and deliberation, shall be conclusive evidence thereof.

3. A meeting of the board may be ordered by any member thereof, by giving not less than twenty-four hours' notice of the same.

§ 274. Powers of trustees when vacancies on board exist. 1. While there is one vacancy in the office of trustee, the two trustees shall have all the powers and be subject to all the duties and liabilities of the three. And while there are two such vacancies, the trustee in office shall have all the powers and be subject to all the duties and liabilities of the three, as though he were a sole trustee.

2. When a vacancy shall occur in the office of trustee, the board shall immediately call a special meeting of the district to supply such vacancy.

§ 275. Powers and duties of trustees. It shall be the duty of the trustees of a school district, and they shall have power:

1. To call special meetings of the inhabitants of such districts whenever they shall deem it necessary and proper.

2. To give notice of special, annual and adjourned meetings in the manner prescribed in this chapter, if there be no clerk of the district, or he be absent or incapable of acting, or shall refuse to act.

3. To make out a tax-list of every district tax voted by a district meeting, or authorized by law, which shall contain the names of all the taxable inhabitants residing in the district at the time of making out the list, and the amount of tax payable by each inhabitant, as directed in article fifteen of this chapter.

4. To purchase or lease such schoolhouse sites and other grounds to be used for playgrounds, or for agriculture, athletic center and social center purposes, and to purchase or build such schoolhouses as a district meeting may authorize; to hire temporarily such rooms or buildings as may be necessary for school purposes; and to purchase such implements, supplies and apparatus as may be necessary to provide instruction in agriculture, or to equip and maintain playgrounds, and to conduct athletic and

social center activities in the district, when authorized by a vote of a district meeting. [*Subdivision* 4, *amended by L.* 1913, *ch.* 221.]

5. To have the custody and safe-keeping of the district schoolhouses, their sites and appurtenances.

6. To insure the school buildings, furniture and school apparatus in some company created by or under the laws of this state, or in an insurance company authorized by law to transact business in this state, and to comply with the conditions of the policy, and raise by a district tax the amount required to pay the premiums thereon.

7. To insure the school library in such a company in a sum fixed by a district meeting, and to raise the premium by a district tax, and comply with the conditions of the policy.

8. To contract with and employ as many legally qualified teachers as the schools of the district require; to determine the rate of compensation and the term of the employment of each teacher and to determine the terms of school to be held during each school year, and to employ persons to supervise, organize, conduct and maintain athletic, playground and social center activities when they are authorized by a vote of a district meeting as provided by law. The regular teachers of the school may be employed at an increased compensation or otherwise, and by separate agreement, written or oral, for one or more of such purposes. [*Subdivision* 8, *amended by L.* 1913, *ch.* 221.]

9. To establish rules for the government and discipline of the schools.

10. To prescribe the course of studies to be pursued in such schools. Provisions shall be made for instructing pupils in all schools supported by public money, or under state control, in physiology and hygiene, with special reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system, and in the humane treatment and protection of animals and birds. [*Subdivision* 10, *amended by L.* 1917, *ch.* 210, *in effect April* 19, 1917.]

11. To pay, towards the wages of legally qualified teachers the public moneys apportioned to the district for such purpose by giving them orders therefor on the supervisor, or on the collector or treasurer of such district when duly qualified to receive and disburse the same.

12. To collect by district tax an amount sufficient to pay any judgment or the salaries of teachers for the current school year after deducting from the aggregate amount required for this purpose the amount of public money in the hands of the supervisor, collector or treasurer applicable to the payment of teachers' salaries and to pay the same by written orders on the collector or treasurer.

13. To draw upon the supervisor, the collector or treasurer, when duly qualified to receive and disburse the same, for the school moneys, by written orders signed by the sole trustee, or where there are three trustees, signed by a majority of said trustees as prescribed by subdivisions one and two of section three hundred and sixty of this chapter.

14. To keep each of the school-houses under their charge, and its furniture, school apparatus and appurtenances, in necessary and proper repair, and make the same reasonably comfortable for use, but shall not expend therefor without vote of the district an amount to exceed fifty dollars in any one year.

15. To make any repairs and abate any nuisances, pursuant to the direction of the school commissioner as herein provided, and provide fuel, stoves or other heating apparatus, pails, brooms and other implements necessary to keep the school-houses and the school-rooms clean, and make them reasonably comfortable for use when no provision has been made therefor by a vote of the district, or the sum voted by the district for said purposes shall have proved insufficient.

16. To provide for building fires and cleaning the school-rooms, and for janitor work generally in and about the school-house, and pay reasonable compensation therefor.

17. To provide bound blank-books for the entering of their accounts, the records of the district and the proceedings of district and trustee meetings, and a list of the movable property of the district and they shall deliver such books to their successors in office.

18. To expend in the purchase of a dictionary, books, reproductions of standard works of art, maps, globes or other school apparatus, including implements, apparatus and supplies for instruction in agriculture, or for conducting athletic playgrounds and social center activities, a sum not exceeding twenty-five dollars in any one year, without a vote of the district. [*Subdivision* 18 *amended by L.* 1913, *ch.* 221, *and by L.* 1914, *ch.* 216.]

19. To establish temporary or branch schools in such places in the district as shall best accommodate the children, and to hire rooms or buildings therefor and to fit up and furnish such rooms or buildings in a suitable manner for conducting school therein when it is shown:

a. That any considerable number of the children residing in a portion of the district are so remote from the school-house as to render it difficult for them to attend school in such school-house in inclement weather, or;

b. That the school building is overcrowded and proper accommodations are not afforded all the children of the district, or;

c. That for any other sufficient reason suitable and proper school facilities are not provided by the present school accommodations.

Any expenditure made or liability incurred in pursuance of this section shall be a charge upon the district.

§ 276. Trustees' annual report. The trustees of each district shall make a full report to the commissioner of education upon any particular matter relating to their schools whenever such report shall be required by said commissioner. The trustees of each school district shall, on the first day of August in each year, make to the school commissioner a report in writing for the year ending on July thirty-first preceding. Such report shall be in such form as the commissioner of education shall prescribe. In every case the trustees shall sign and certify to said report and deliver it to the clerk of the town, in which the school-house of the district is situated; and every such report shall certify:

1. The whole time school has been maintained in their district during the year ending on the day previous to the date of such report, and stating what portion of the time such school has been taught by qualified teachers, and the whole number of days, *in cluding holidays, in which the school was taught by qualified teachers.

2. The amount of their drafts upon the supervisor, collector or treasurer for the payment of teachers' salaries during such year, and the amount of their drafts upon him for the purchase of books and school apparatus during such year, and the manner in which such moneys have been expended.

3. The number of children taught in the district school during such year by qualified teachers, and the aggregate days' attendance of all such children upon the school.

* So in original.

4. The number of children residing in their district, over five and under eighteen years of age, who shall have been, on the thirtieth day of August last preceding the date of such report, legal residents of such district. Children supported at a county poor-house or an orphan asylum shall not be included in such enumeration.

5. The number of vaccinated and unvaccinated children of school age in their respective districts.

6. The amount of money paid for teachers' salaries, in addition to the public money paid therefor, the amount of taxes levied in said district for purchasing school-house sites, for building, hiring, purchasing, repairing and insuring school-houses, for fuel, for school libraries, or for any other purpose allowed by law.

7. Such additional information in relation to the schools under their management and control as the commissioner of education shall require.

§ 277. Annual report of trustees of certain joint districts. Where a school district lies in two or more counties, its trustees shall file their annual report in the office of the clerk of the town in which the principal schoolhouse of the district is situated.

§ 278. Trustees' annual report to district. The trustees shall render to the district, at its annual meeting, a just, full and true account in writing, of all moneys received by them respectively for the use of the district, or raised or collected by taxes, the preceding year, and of the manner in which the same shall have been expended, and showing to which of them an unexpended balance, or any part thereof, is chargeable; and of all drafts or orders made by them upon the supervisor, collector, treasurer or other custodian of moneys of the district; and a full statement of all appeals, actions or suits and proceedings brought by or against them, and of every special matter touching the condition of the district.

§ 279. Penalty for failure of trustee to account. By a wilful neglect or refusal to render such account, a trustee forfeits any unexpired term of his office, and becomes liable to the trustees for any district moneys in his hands.

§ 280. Payment by trustee to successor. An outgoing trustee shall forthwith pay, to his successor or any other trustees of the district in office, all moneys in his hands belonging to the district.

§ 281. Trustees' right of action against predecessor. The trustees in office shall sue for and recover any district moneys in the hands of any former trustee, or of his personal representatives, and apply them to the use of the district.

§ 282. Notice of non-payment of moneys apportioned. If any portion of the moneys apportioned to the district shall not be paid by the supervisor, the collector or treasurer, upon the due requirement of the trustees, they shall forthwith notify the treasurer of the county and the commissioner of education of the fact.

§ 283. Taxation for expenses incurred by trustees. When trustees are required or authorized by law, or by a vote of their district, to incur any expenses for such district, and when any expenses incurred by them are made, by express provision of law, a charge upon such district, they may raise the amount thereof by tax in the same manner as if the definite sum to be raised had been voted by a district meeting.

§ 284. Issuing order in excess of available funds a misdemeanor. 1. The trustees of a school district shall not issue an order or draft upon a supervisor, collector or treasurer for the payment of the salary of a teacher unless there shall be in the hands of such supervisor, collector or treasurer at the time sufficient money belonging to the district to meet such order or draft.

2. A violation of this section by the trustees of a district shall be a misdemeanor.

§ 285. Trustees must not be interested in district contracts. No trustee shall be personally interested directly or indirectly in any contract which he makes in behalf of the district.

ARTICLE 11

Boards of Education

Section 300. Boards of education corporate bodies.
301. Board of education in district whose boundaries are not coterminous with those of an incorporated village or city.
302. Board of education in district whose boundaries are coterminous with those of an incorporated village or city.
303. Provisions for separate elections in certain districts.
304. Determination of election disputes.

Section 305. Election and organization of board of education in new district where union free school district containing two incorporated villages is divided.
306. Annual meetings of boards of education.
307. Change in number of members of board of education in union free school district whose *boundaires are coterminous with those of an incorporated village or city.
308. Change in number of members of board of education in union free school district whose boundaries are not coterminous with those of an incorporated village or city.
309. Power of removal of member of board of education.
310. Powers and duties of boards of education.
311. Night schools; kindergartens.
312. Appointment of superintendent of schools.
313. Regular meetings; visitation of schools.
314. Limitation upon expenditures.
315. Deposit, custody and payment of moneys in cities and villages.
316. Moneys and accounts in union free school districts whose boundaries are not the same as the boundaries of incorporated cities and villages.
317. Boards of education have powers of trustees of common schools and trustees of academies.
318. Academy may be adopted as academic department.
319. Contracts with academies.
320. Retransfer of academy to its former trustees.
321. Records; reports.
322. Reports to commissioner of education.
323. Estimated expenses for ensuing year.
324. Vote upon school taxes.
325. Levy of tax for certain purposes without vote.
326. Reference to commissioner of education.
327. Corporate authorities must raise tax certified by board of education.
328. Application of this article.

§ 300. Boards of education corporate bodies. The board of education of each union free school district or city is hereby created a body corporate and it shall, at its first meeting

* So in original.

and at each annual meeting thereafter, elect one of its members president.

§ 301. Board of education in district whose boundaries are not coterminous with those of an incorporated village or city. 1. Whenever a union free school district shall be established pursuant to the provisions of sections one hundred and forty-one to one hundred and forty-five of this chapter and the boundaries of such district shall not be coterminous with the boundaries of an incorporated city or village, it shall be the duty of the meeting at which such union free school district is established to elect by ballot not less than three nor more than nine trustees, who shall, by the order of such meeting, be divided into three classes, the first to hold until one, the second until two, and the third until three years from the first Tuesday of August next following, except as in the next section provided. Thereafter there shall be elected in such districts, at the annual meeting, trustees to supply the places of those whose terms of office, by the classification aforesaid, expire.

2. The trustees thus elected, shall enter at once upon their offices, and the office of any existing trustees in such districts, before the establishment of a union free school therein, shall cease, except for the purposes stated in section one hundred and thirty-five of this chapter. The said trustees and their successors in office shall constitute the board of education of the union free school district thus established. [*Subdivision* 2 *amended by L.* 1910, *ch.* 442.]

§ 302. Board of education in district whose boundaries are coterminous with those of an incorporated village or city. Whenever said board of education shall be constituted for any district whose limits correspond with those of any incorporated village or city, the trustees so elected shall, by the order of such meeting, be divided into three classes: The first class to serve until one; the second, until two; and the third, until three years after the date of the next charter election in such village or city, and their regular term of service shall be computed from the several dates of such charter elections. Thereafter, there shall be annually elected in such villages and cities, at the charter elections, by separate ballot, to be indorsed "school trustee," in the same manner as the charter officers thereof, trustees of the said union free schools, to supply the places of those whose terms by the classification aforesaid expire.

§ 303. Provisions for separate elections in certain districts. 1. In union free school districts whose limits do not correspond with those of an incorporated village or city, and in which the number of children of school age exceeds three hundred, as shown by the last annual report of the board of education to the school commissioner, the qualified voters of any such district may by a vote of a majority of those present and voting, at any annual meeting, or at any duly called special meeting, to be ascertained by taking and recording the ayes and noes, determine that the election of the members of the board of education shall be held on the Wednesday next following the day designated by law for holding the annual meeting of said district.

2. Until such determination shall be changed, such election shall be held on the Wednesday next following the day on which such annual meeting of such district shall be held between the hours of twelve o'clock noon and four o'clock in the afternoon at the principal school-house in the district, or at such other suitable place as the trustees may designate.

3. When the place of holding such election is other than at the principal school-house, the trustees shall give notice thereof by the publication of such notice, at least one week before the time of holding such election, in some newspaper published in the district, or by posting the same in three conspicuous places in the district. The trustees may, by resolution, extend the time of holding the election from four o'clock until sunset.

4. Such members of the board of education as may be present, shall act as inspectors of election. If a majority of such board shall not be present at the time of opening the polls, those members of the board in attendance may appoint any of the legal voters of the district present, to act as inspectors in place of the absent trustees; and if none of the board of education shall be present at the time of opening the polls, the legal voters present may choose three of their number to act as inspectors.

5. The clerk of the board of education shall attend at the election and record in a book, to be provided for that purpose, the name of each elector as he deposits his ballot. If the clerk of the board of education shall be absent, or shall be unable or refuse to act, the board of education or inspectors of election shall appoint some person who is a legal voter in the district to act in his place. Any clerk or acting clerk who shall neglect or refuse to record the name of a person whose ballot is received by the inspectors, shall

be liable to a fine of twenty-five dollars, to be sued for by the supervisor of the town.

6. The board of education shall, at the expense of the district, provide a suitable box in which the ballots shall be deposited as they are received. Such ballots shall contain the names of the persons voted for, and shall designate the office for which each of said names is voted. The ballots may be either written or printed, or partly written and partly printed. The inspectors immediately after the close of the polls shall proceed to canvass the votes. They shall first count the ballots to determine if they tally with the number of names recorded by the clerk, and if they exceed that number, enough ballots shall be withdrawn to make them correspond. Such inspectors shall count the votes and announce the result. The persons having a *plurality** of the votes respectively for the several offices shall be elected, and the clerk shall record the result of such ballot and election as announced by the inspectors. [*Subdivision* 6 *amended by L.* 1910, *ch.* 442.]

7. Whenever the time for holding such election, as aforesaid, shall pass without such election being held in any such district, a special election shall be called by the board of education, but if no such election be called by said board within twenty days after such time shall have passed, the school commissioner or the commissioner of education may order any inhabitant of said district to give notice of such election in the manner prescribed by section one hundred and ninety-three; and the officers elected at such special election shall hold their respective offices only until the next annual election, and until their successors are elected and shall have qualified, as in this chapter provided.

8. The foregoing provisions shall not apply to union free school districts in cities, nor to union free school districts whose boundaries correspond with those of an incorporated village, nor to any school district organized under a special act of the legislature, in which the time, manner and form of the election of district officers shall be different from that prescribed for the election of officers in union free school districts, organized under the general law, nor to any of the union free school districts in the counties of Suffolk, Chenango, Warren and Saint Lawrence. [*Subdivision* 8 *amended by L.* 1917, *ch.* 270, *in effect April* 27, 1917.]

§ 304. Determination of election disputes. All disputes concerning the validity of any district election or of any of

* The former law provided for a majority vote to elect. The amendment does not affect union free school districts which do not hold elections of school officers on the Wednesday following the annual meeting.

the acts of the officers of such election shall be referred to the commissioner of education for determination and his decision in the matter shall be final and not subject to review. The commissioner may in his discretion order a new election.

§ 305. Election and organization of board of education in new district where union free school district containing two incorporated villages is divided. 1. Within ten days after the school commissioner shall have designated any separate school district organized under the provisions of sections one hundred and thirty and one hundred and thirty-one of this chapter, he shall call a special meeting of the qualified voters of such school district at a time and place to be named by him to elect a board of education to consist of six members, two of whom shall be elected for one year, two for two years and two for three years from the date of the annual school meeting next succeeding such special meeting. The call for such special meeting shall be published in the manner provided in section one hundred and thirty for calling a special meeting to determine as to whether the school district shall be divided.

2. The school commissioner shall call such special meeting to order and the voters present shall elect a chairman and secretary for such meeting and appoint three tellers to canvass the votes cast. After the votes shall have been canvassed the chairman and secretary shall forthwith certify the result of such canvass to the said school commissioner, who shall within five days thereafter convene the members of the board of education, shown by said certificate to have been elected, for the purpose of organization, and said certificate of the result of such canvass shall thereupon become a part of the record of said school district.

§ 306. Annual meetings of boards of education. 1. The annual meeting of the board of education of every union free school district whose limits do not correspond with those of an incorporated village or city shall be held on the first Tuesday in August of each year, except in districts in which the annual meeting is held on the first Tuesday in August, in which case the annual meeting of the board of education of such district shall be held on the second Tuesday in August.

2. The annual meeting of the board of education of every union free school district whose limits correspond with those of an incorporated village or city shall be held on the Tuesday next after the election of the members of such board at the annual

charter election of the village or city. [*Amended by L.* 1911, *ch.* 830 *and L.* 1915, *ch.* 232.]

§ 307. Change in number of members of board of education in union free school district whose boundaries are coterminous with those of an incorporated village or city. The number of members of the board of education of a union free school district whose limits correspond with those of an incorporated village or city, may be increased to not more than nine or decreased to not less than three in the following manner:

1. The board of education of such union free school district, shall, upon the application of at least fifteen resident taxpayers of such district, submit to a special meeting, held at least thirty days prior to the annual charter election, in such village or city, a proposition for the increase or decrease of the number of members of the board of education to a number specified in the proposition.

2. Such special meeting shall be called and held in the manner prescribed by subdivision two of section one hundred and ninety-three of this chapter.

3. If such proposition is adopted and it is determined thereby to increase the number of members of the board of education of such district, there shall be elected at the next ensuing annual village or city election, a sufficient number of members of the board of education so that the total number of members of the board will be the number specified in such proposition. Such additional members shall be elected for such terms so that as nearly as possible the terms of one-third of the members of such board will expire annually. Successors to such additional members shall be elected in like manner.

4. If such proposition is adopted and it is determined thereby to decrease the number of the board of education in such district, no members of the board of education of such district shall thereafter be elected until by expiration of term the number of members of the board of education will be less than the number specified in such proposition; and thereafter the number of members of the board of education of such district shall be the number specified in such proposition. Not more than one proposition under this section shall be submitted in any calendar year.

§ 308. Change in number of members of board of education in union free school district whose boundaries are not coterminous with those of an incorpo-

rated village or city. 1. The number of members of the board of education of a union free school district whose limits do not correspond with those of an incorporated village or city may be increased or decreased at an annual meeting by a majority vote of the qualified voters present and voting to be ascertained by taking and recording the ayes and noes. The number of such board shall not be increased to more than nine nor decreased to less than three.

2. No vote shall be taken upon the proposition to increase or decrease the number of members of such board of education unless the notice of the annual meeting shall contain a statement to the effect that the voters of such district will vote upon such proposition. The board of education of any such district shall, upon the application of at least fifteen voters of such district, include in the notice of the annual meeting a statement that the proposition to increase or decrease such board will be presented to the annual meeting for determination. If the board refuses or fails to give such notice the notice may be given in such manner as the commissioner of education may direct.

3. If any such board shall consist of less than nine members and such meeting shall determine to increase the number, such meeting shall elect the additional number so determined upon and shall divide such number into three classes, the first to hold office one year, the second two years and the third three years.

4. If such meeting shall determine to diminish the number of members composing such board, no election shall be held in such district to fill the vacancies of the outgoing members until the number of such members shall correspond to the number which such meeting shall determine to compose such board.

§ 309. Power of removal of member of board of education. For cause shown, and after giving notice of the charge and opportunity of defense, the commissioner of education may remove any member of a board of education. Wilful disobedience of any lawful requirement of the commissioner of education, or a want of due diligence in obeying such requirement or wilful violation or neglect of duty is cause for removal.

§ 310. Powers and duties of boards of education. The said board of education of every union free school district shall have power, and it shall be their duty:

1. To adopt such by-laws and rules for its government as shall seem proper in the discharge of the duties required under the provisions of this chapter.

2. To establish such rules and regulations concerning the order and discipline of the schools, in the several departments thereof, as they may deem necessary to secure the best educational results.

3. To prescribe the course of study by which the pupils of the schools shall be graded and classified, and to regulate the admission of pupils and their transfer from one class or department to another, as their scholarship shall warrant.

4. To prescribe the text-books to be used in the schools, and to compel a uniformity in the use of the same, pursuant to the provisions of this chapter, and to furnish the same to pupils out of any moneys provided for that purpose.

5. To make provision for the instruction of pupils in physiology and hygiene with special reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system, and in the humane treatment and protection of animals and birds. [*Subdivision* 5 *amended by L.* 1917, *ch.* 210, *in effect April* 19, 1917.]

6. To purchase sites, or additions thereto, for recreation grounds for agricultural purposes, and for schoolhouses for the district, when designated by a meeting of the district; and to construct such schoolhouses and additions thereto as may be so designated; to purchase furniture and apparatus for such schoolhouses, and to keep the furniture and apparatus therein in repair; and, when authorized by such meeting, to purchase implements, supplies, and apparatus for agricultural, athletic, playground, and social center purposes. [*Subdivision* 6 *amended by L.* 1913, *ch.* 221.]

7. To hire rooms in which to maintain and conduct schools when the rooms in the school-houses are overcrowded, or when such school-houses are destroyed, injured or damaged by the elements, and to fit up and furnish such rooms in a suitable manner for conducting schools therein.

8. To insure the school-houses and their furniture, apparatus and appurtenances, and the school library, in some company created by or under the laws of this state, or in some insurance company authorized by law to transact business in this state, and to comply with the conditions of the policy, and raise the sums paid for premiums by district tax.

9. To take charge and possession of the school-houses, sites, lots, furniture, books, apparatus, and all school property within their respective districts; and the title of the same shall be vested respectively in said board of education.

10. To sell, when authorized by a vote of the qualified voters of the school district, any former school site or lot, or any real estate the title to which is vested in the board, and the buildings thereon, and appurtenances or any part thereof, at such price and upon such terms as said voters shall prescribe, and to convey the same by deed to be executed by the board or a majority of the members thereof. Also to exchange real estate belonging to the district for the purpose of improving or changing school-house sites.

11. To take and hold for the use of the said schools or of any department of the same, any real estate transferred to it by gift, grant, bequest or devise, or any gift, legacy or annuity, of whatever kind, given or bequeathed to the said board, and apply the same, or the interest or proceeds thereof, according to the instructions of the donor or testator.

12. To have in all respects the superintendence, management and control of said union free schools, and to establish therein, in conformity with the regents rules, an academic department, whenever in their judgment the same is warranted by the demand for such instruction; to receive into said union free schools any pupils residing out of said district, and to regulate and establish the tuition fees of such nonresident pupils in the several departments of said schools.

13. To provide fuel, furniture, apparatus and other necessaries for the use of said schools.

14. To appoint such librarians as they may from time to time deem necessary.

15. To contract with and employ such persons as by the provisions of this chapter are qualified teachers, to determine the number of teachers to be employed in the several departments of instruction in said school, and at the time of such employment, to make and deliver to each teacher a written contract as required by section five hundred and sixty-one of this chapter; and employ such persons as may be necessary to supervise, organize, conduct and maintain athletic, playground and social center activities, or for any one or more of such purposes. The regular teachers of the school may be employed at an increased compensation or otherwise, and by separate agreement, written or oral, for one or more of such purposes. [*Subdivision* 15 *amended by L.* 1913, *ch.* 221.]

16. To fill any vacancy which may occur in said board by reason of the death, resignation, removal from office or from the

school district, or refusal to serve, of any member or officer of said board; and the person so appointed in the place of any such member of the board shall hold his office until the next annual election of trustees.

17. To remove any member of their board for official misconduct. But a written copy of all charges made of such misconduct shall be served upon him at least ten days before the time appointed for a hearing of the same; and he shall be allowed a full and fair opportunity to refute such charges before removal.

18. To provide and maintain suitable and convenient water-closets as provided in section four hundred and fifty-seven of this chapter.

19. To borrow money in anticipation of taxes remaining uncollected which have been levied by such district for the current fiscal year, and not in excess thereof, whenever in the discretion of the board of education it shall be necessary to do so for the purpose of paying the current expenses of the district for such current fiscal year, by issuing certificates of indebtedness, in the name of the board of education, signed by the president and clerk thereof, which certificates must be payable within such current fiscal year or within nine months thereafter, and shall bear interest at a rate not exceeding six per centum per annum.

20. To raise by tax upon the property of the district any moneys required to pay the salary of teachers employed after applying thereto the school moneys apportioned to the district by the state.

21. To provide for the medical inspection of all children in attendance upon schools under their supervision whenever in their judgment such inspection shall be necessary and to pay any expense incurred therefor out of funds authorized by the voters of the district or city or which may properly be set aside for such purpose by the common council or the board of estimate and apportionment of a city. Provided, however, that no such funds shall be appropriated or authorized by the voters of a union free school district situate wholly within a city of the third class, unless the board of education shall incorporate in the notice of the annual meeting or election a statement to the effect that at such meeting or election a proposition to appropriate such funds will be voted upon, specifying the amount. [*Subdivision* 21 *added by L.* 1910, *ch.* 602, *and amended by L.* 1912, *ch.* 215.]

§ 311. Kindergartens; night schools. The board of education of each school district and of each city may maintain

kindergartens which shall be free to resident children between the ages of four and six years.

Night schools wherein the common branches and such additional subjects as may be adapted to students applying for instruction are taught on three nights each week, for two hours each night, shall be maintained by the board of education:

1. In each city of the first class throughout the duration of the day school term.

2. In each city of the second class on at least one hundred nights.

3. In each city of the third class on at least eighty nights.

4. In each city not subject to the foregoing provisions and in each school district where twenty or more minors between the ages of sixteen and twenty-one years are required to attend school, or where twenty or more persons over the age of sixteen years make applications for instruction in a night school, for at least seventy-five nights.

All night schools shall be free to all persons residing in the districts or city.

[*Amended by L.* 1918, *ch.* 409, *in effect September* 1, 1918.]

§ 312. Appointment of superintendent of schools. 1. In any union free school district having a population of five thousand or more, which fact shall be determined by the commissioner of education, as provided in section four hundred and ninety-two of this chapter, the board of education may appoint a superintendent of schools.

2. Such superintendent shall be under the direction of the board of education, which shall prescribe his powers and duties. He shall be paid a salary from the teachers' fund, to be fixed by the board of education, and he may be removed from office by a vote of the majority of all the members of such board. Whenever such superintendent shall be appointed, the said union free school district shall be entitled to the benefits of the provisions of section four hundred *tnd ninety-two of this chapter.

§ 313. Regular meetings; visitation of schools. 1. It shall be the duty of each board of education elected pursuant to the provisions of this article to have a regular meeting at least once in each quarter.

2. Each board shall appoint one or more committees, to visit every school or department under its supervision and such com-

* So in original.

mittee shall visit such schools at least twice in each quarter, and report at the next regular meeting of the board on the condition thereof.

3. The meetings of all such boards shall be open to the public, but said boards may hold executive sessions, at which sessions only the members of such boards or the persons invited shall be present.

§ 314. Limitation upon expenditures. No board of education shall incur a district liability in excess of the amount appropriated by a district meeting unless such board is specially authorized by law to incur such liability.

§ 315. Deposit, custody and payment of moneys in cities and villages. 1. All moneys raised for the support of schools in any city or in any union free school district whose boundaries are coterminous with the boundaries of an incorporated village or apportioned to the same by the education department or otherwise, shall be paid into the treasury of such city or village to the credit of the board of education therein; and the funds so received into such treasury shall be kept separate and distinct from any other funds received into the said treasury. And the officer having the charge thereof shall give such additional security for the safe custody thereof as the corporate authorities of such city or village shall require.

2. No money shall be drawn from such funds, credited to the several boards of education, unless in pursuance of a resolution of said board, and on drafts drawn by the president and countersigned by the secretary or clerk, payable to the order of the persons entitled to receive such money, and stating on their face the purpose or service for which such moneys have been authorized to be paid by the said board of education.

§ 316. Moneys and accounts in union free school districts whose boundaries are not the same as the boundaries of incorporated cities and villages. 1. All moneys raised in a union free school district whose limits do not correspond with those of a city or an incorporated village, or apportioned thereto by the education department or otherwise, shall be paid to the treasurer of the district entitled to receive the same, and be applied to the uses of the district and the board shall annually render their accounts of all moneys received and expended by them for the use of said schools.

2. No money shall be drawn from such funds in possession of such treasurer, unless in pursuance of a resolution of said board, and on drafts drawn by the president and countersigned by the clerk payable to the order of the persons entitled to *reecive such money, and stating on their face the purpose or service for which said moneys have been authorized to be paid by the said board of education.

§ 317. Boards of education have powers of trustees of common schools and trustees of academies. The board of education shall possess all the powers and privileges, and be subject to all the duties in respect to the common schools, or the common school departments in any union free school in said districts, which the trustees of common schools possess or are subject to under this chapter, not specially provided for in this article, and not inconsistent with the provisions of this article; and to enjoy, whenever an academic department shall be by them established, all the immunities and privileges now enjoyed by the trustees of academies in this state.

§ 318. Academy may be adopted as academic department. Whenever a union free school shall be established under the provisions of article five, and there shall exist within its district an academy, the board of education, when authorized by a vote of the voters of the district, may adopt such academy as the academic department of the district, with the consent of the trustees of the academy, and thereupon the trustees by a resolution to be attested by the signatures of the officers of the board and filed in the office of the clerk of the county, shall declare their offices vacant, and thereafter the said academy shall be the academic department of such union free school. The board of education when thereto authorized by a vote of the qualified voters of the district may lease said academy and site, and maintain the academic department of such union free school therein and thereon.

§ 319. Contracts with academies. The board of education of a union free school district, with the approval of the commissioner of education, may adopt an academy as the academic department thereof, and contract for the instruction therein of pupils of academic grade, residing in the district. The academy thereupon becomes the academic department of such union free school, and the district is entitled to the same rights and privileges, is subject to the same duties, and the apportionment and

* So in original.

distribution of state school money shall be made to it, as if an academic department had been established in such school.

§ 320. Retransfer of academy to its former trustees. If there shall be, in a dissolved union free school district, an academy which shall have been adopted as the academic department of the union free school, under the provisions of title nine, chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, and any amendment thereof, or title eight of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, and any amendment thereof, or under this chapter, it shall, upon the application of a majority of the surviving resident former trustees or stockholders, be transferred by the board of education to said former trustees or stockholders.

§ 321. Records; reports. It shall be the duty of said board to keep an accurate record of all its proceedings in books provided for that purpose. It shall be the duty of said board to cause to be published once in each year, and twenty days next before the annual meeting of the district, in at least one public newspaper, printed in such district, a full and detailed account of all moneys received by the board or the treasurer of said district, for its account and use, and of all the moneys expended therefor, giving the items of expenditure in full; should there be no paper published in said district said board shall publish such account by notice to the taxpayers, by posting copies thereof in five public places in said district. [*Amended by L.* 1910, *ch.* 442.)

§ 322. Reports to commissioner of education. 1. The board of education of each district and of each city shall make such detailed report and in such form upon any matter relating to the schools under their management and control as the commissioner of education shall from time to time require.

2. Such board of education shall also make an annual report giving the information relating to their schools required of trustees under section two hundred and seventy-six of this chapter. Such report shall also contain such information as the commissioner of education shall require and shall be in the form prescribed by him. Such report shall be made on the first day of August of each year and, in the case of a board of education of a union free school district, shall be delivered to the town clerk of the town in which the school-house of such district is located.

§ 323. Estimated expenses for ensuing year. It shall be the duty of the board of education of each district to

present at the annual meeting a detailed statement in writing of the amount of money which will be required for the ensuing year for school purposes, exclusive of the public moneys, specifying the several purposes and the amount for each. This section shall not be construed to prevent the board from presenting such statement at a special meeting called for the purpose, nor from presenting a supplementary and amended statement or estimate at any time.

§ 324. Vote upon school taxes. After the presentation of such statement or estimate, the question shall be taken upon voting the necessary taxes to meet the estimated expenditures, and when demanded by any voter present, the question shall be taken upon each item separately, and the inhabitants may increase the amount of any estimated expenditures or reduce the same, except for teachers' wages, and the ordinary contingent expenses of the schools.

§ 325. Levy of tax for certain purposes without vote. If the inhabitants shall neglect or refuse to vote the sum estimated necessary for teachers' wages, after applying thereto the public school moneys, and other moneys received or to be received for that purpose, or if they shall neglect or refuse to vote the sum estimated necessary for ordinary contingent expenses, the board of education may levy a tax for the same, in like manner as if the same had been voted by the inhabitants.

§ 326. Reference to commissioner of education. If any question shall arise as to what are ordinary contingent expenses the same may be referred to the commissioner of education, by a statement in writing, signed by one or more of each of the opposing parties upon the question, and the decision of the commissioner shall be conclusive.

§ 327. Corporate authorities must raise tax certified by board of education. 1. The corporate authorities of any incorporated village or city in which any such union free school shall be established, shall have power, and it shall be their duty, to raise, from time to time, by tax, to be levied upon all the real and personal property in said city or village, as by law provided for the defraying of the expenses of its municipal government, such sum as the board of education established therein shall declare necessary for teachers' salaries and the ordinary contingent expenses of supporting the schools of said district.

2. The sums so declared necessary shall be set forth in a detailed statement in writing, addressed to the corporate authorities by the board of education, giving the various purposes of anticipated expenditure, and the amount necessary for each; and the said corporate authorities shall have no power to withhold the sums so declared to be necessary; and such corporate authorities as aforesaid shall have power, and it shall be their duty to raise, from time to time, by tax as aforesaid, any such further sum to be set forth in a detailed statement in writing, addressed to the corporate authorities by the board of education, giving the various purposes of the proposed expenditure, and the amount necessary for each which may have been or which may hereafter be authorized by a majority of the voters of such union free school district present and voting at any special district meeting duly convened for any of the purposes stated in section four hundred and sixty-seven of this chapter.

§ 328. Application of this article. The provisions of this article shall apply to all union free schools heretofore organized pursuant to the provisions of chapter four hundred and thirty-three of the laws of eighteen hundred and fifty-three, and the amendments thereof, chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, and the amendments thereof, and of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four and the amendments thereof; and sections three hundred and twenty-seven, four hundred and sixty, four hundred and sixty-seven and four hundred and eighty of this chapter are made applicable to all school districts established by and organized under special statutes, except those of cities; and sections three hundred and ten, subdivision nineteen, three hundred and twelve and four hundred and fifty-eight of this chapter are made applicable to all school districts having a population of five thousand and upwards established by and organized under special statutes.

ARTICLE 12
Town Clerks

Section 340. Duties of town clerks.
341. Expenses of town clerks.

§ 340. Duties of town clerks. It shall be the duty of the town clerk of each town:

1. To keep all books, maps, papers, and records of his office touching common schools, and forthwith to report to the school commissioner any loss or injury to the same.

2. To receive from the supervisors the certificates of apportionment of school moneys to the town, and to record them in a book to be kept for that purpose.

3. To notify forthwith the trustees of the several school districts of the filing of each such certificate.

4. To see that the trustees of the school districts make and deposit with him their annual reports within the time prescribed by law, and to deliver them to the school commissioner on demand.

5. To furnish the school commissioner of the school commissioner district in which his town is situated the names and post-office addresses of the school district officers reported to him by the district clerks.

6. To distribute to the trustees of the school districts all books, blanks and circulars which shall be delivered or forwarded to him by the commissioner of education or school commissioner for that purpose.

7. To receive from the supervisor, and record in a book kept for that purpose, the annual account of the receipts and disbursements of school moneys required to be submitted to the town auditors, together with the action of the town auditors thereon, and to send a copy of the account and of the action thereon, by mail, to the commissioner of education whenever required by him, and to file and preserve the vouchers accompanying the account.

8. To receive and to record, in the same book, the supervisor's final account of the school moneys received and disbursed by him, and deliver a copy thereof to such supervisor's successor in office.

9. To receive from the outgoing supervisor, and file and record in the same book, the county treasurer's certificate, that his successor's bond has been given and approved.

10. To receive, file and record the descriptions of the school districts, and all papers and proceedings delivered to him by the school commissioner pursuant to the provisions of this chapter.

11. To act, when thereto legally required, in the erection or alteration of a school district, as in article five of this chapter provided.

12. To receive and preserve the books, papers and records of any dissolved school district, which shall be ordered, as hereinafter provided, to be deposited in his office.

13. To perform any other duty which may be devolved upon him by this chapter, or by any other act touching common schools. [*Renumbered* § 364 *by L.* 1917, *ch.* 328; *renumbered* § 340 *by L.* 1918, *ch.* 199.]

§ 341. Expenses of town clerks. The necessary expenses and disbursements of the town clerk in the performance of his said duties, are a town charge, and shall be audited and paid as such. [*Renumbered* § 365 *by L.* 1917, *ch.* 328; *renumbered* § 341 *by L.* 1918, *ch.* 199.]

ARTICLE 13
Supervisors

Section 360. Duties of supervisors.
361. Sale of gospel or school lots on division of town.
362. Payment of proceeds of sale of gospel or school lots.
363. Supervisor's bond for school moneys.
364. Refusal of supervisor to give bond.
365. Report by supervisors to district superintendents.

§ 360. Duties of supervisors. It is the duty of every supervisor:

1. To disburse the school moneys in his hands applicable to the payment of teachers' wages, upon and only upon the written orders of a sole trustee or a majority of the trustees, in favor of qualified teachers. But whenever the collector in any school district shall have given bonds for the due and faithful performance of the duties of his office as disbursing agent, as required by section two hundred and fifty-three or whenever any school district shall elect a treasurer as provided in this chapter, the said supervisor shall, upon the receipt by him of a copy of the bond executed by said collector or treasurer as herein required, certified by the trustees, pay over to such collector or treasurer, all moneys in his hands applicable to the payment of teachers' wages in such district, and the said collector or treasurer shall disburse such moneys so received by him upon such orders as are specified herein to the teachers entitled to the same.

2. To pay over all the school money apportioned to a union free school district, to the treasurer of such district, upon the order of its board of education.

3. To keep a just and true account of all the school moneys

received and disbursed by him during each year, and to lay the same, with proper vouchers, before the town board or board of town auditors at each annual meeting thereof.

4. To provide a bound blank book, the cost of which shall be a town charge, and to enter therein all his receipts and disbursements of school moneys, specifying from whom and for what purposes they were received, and to whom and for what purposes they were paid out; and to deliver the book to his successor in office.

5. To make out a just and true account of all school moneys received by him and of all disbursements thereof, within fifteen days after the termination of his office and to deliver the same to the town clerk to be filed and recorded, and to notify his successor in office that such account has been made and filed.

6. To deliver to his predecessor the county treasurer's certificate showing that he has given to such treasurer the bond required by section three hundred and sixty-three of this chapter and that such bond has been approved by such treasurer, and to procure from the town clerk a copy of his predecessor's account, and to demand and receive from him all school moneys remaining in his hands.

7. To pay to his successor upon receipt of such certificate all school moneys remaining in his hands, and to forthwith file the certificate in the town clerk's office.

8. To sue for and recover, in his name of office, when the duty is not elsewhere imposed by law, all penalties and forfeitures imposed by this chapter, and for any default or omission of any town officer or school district board or officer under this chapter; and after deducting his costs and expenses to report the balances to the school commissioner.

9. To act, when legally required, in the erection or alteration of a school district, as provided in article five of this chapter, and to perform any other duty which may be devolved upon him by this chapter, or any other act relating to common schools.

10. To take and hold possession of the gospel and school lots of their respective towns.

11. To lease the same for such time not exceeding twenty-one years, and upon such conditions as they shall deem expedient.

12. To sell the same with the advice and consent of the inhabitants of the town, in town-meeting assembled, for such price

and upon such terms of credit as shall appear to them most advantageous.

13. To invest the proceeds of such sales in loans, secured by bond and mortgage upon unincumbered real property of the value of double the amount loaned.

14. To purchase the property so mortgaged upon a foreclosure, and to hold and convey the property so purchased whenever it shall become necessary.

15. To re-loan the amount of such loans repaid to them, upon the like security.

16. To apply the rents and profits of such lots, and the interest of the money arising from the sale thereof, to the support of schools, as may be provided by law, in such manner as shall be thus provided.

17. To render a just and true account of the proceeds of the sales and the interest on the loans thereof, and of the rents and profits of such gospel and school lots, and of the expenditure and appropriation thereof, on the last Tuesday next preceding the annual town-meeting in each year, to the town board.

18. To deliver over to his successor in office, all boxes, papers and securities relating to the same, at the expiration of their respective offices.

19. To take therefor a receipt, which shall be filed in the clerk's office of the town; and,

20. To commence and prosecute in and by the name and style of the supervisor of the town any suits against any of his predecessors in office or against any other person to recover any debt, dues or demands, in anywise arising from such public lot; and no such suit shall abate by the death, resignation or removal from office of the said supervisor but the same shall and may be prosecuted to judgment and execution by his successor in office. [*Renumbered* § 370 *by L.* 1917, *ch.* 328; *renumbered* § 360 *by L.* 1918, *ch.* 199.]

§ 361. Sale of gospel or school lots on division of town. Whenever a town having lands assigned to it for the support of the gospel or of schools, shall be divided into two or more towns, or shall be altered in its limits by the annexing of a part of its territory to other towns, such lands shall be sold by the supervisor of the town, in which such lands were included immediately before such division or alteration; and the proceeds thereof shall be apportioned between the towns interested therein,

in the same manner as the other public moneys of towns, so divided or altered, are apportioned. [*Renumbered* § 371 *by L.* 1917, *ch.* 328; *renumbered* § 361 *by L.* 1918, *ch.* 199.]

§ 362. Payment of proceeds of sale of gospel or school lots. The shares of such moneys, to which the towns shall be respectively entitled, shall be paid to the supervisors of the respective towns, and shall thereafter be subject to the provisions of this article. [*Renumbered* § 372 *by L.* 1917, *ch.* 328; *renumbered* § 362 *by L.* 1918, *ch.* 199.]

§ 363. Supervisor's bond for school moneys. 1. Immediately on receiving the school commissioner's certificates of apportionment the county treasurer shall require of each supervisor, and each supervisor shall give to the treasurer, in behalf of the town, his bond, with two or more sufficient sureties, approved by the treasurer, in the penalty of at least double the amount of the school moneys set apart or apportioned to the town, and of any such moneys unaccounted for by his predecessors, conditioned for the faithful disbursement, safe-keeping and accounting for such moneys, and of all other school moneys that may come into his hands from any other source.

2. If the condition shall be broken the county treasurer shall sue the bond in his own name, in behalf of the town, and the money recovered shall be paid over to the successor of the supervisor in default, such successor having first *giving security as aforesaid.

3. Whenever the office of a supervisor shall become vacant, the county treasurer shall require the person elected or appointed to fill such vacancy to execute a bond, with two or more sureties, to be approved by the treasurer, in the penalty of at least double the sum of the school moneys remaining in the hands of the old supervisor, when the office became vacant, conditioned for the faithful disbursement and safe-keeping of and accounting for such moneys. But the execution of this bond shall not relieve the supervisor from the duty of executing the bond first above mentioned. [*Renumbered* § 373 *by L.* 1917, *ch.* 328; *renumbered* § 363 *by L.* 1918, *ch.* 199.]

§ 364. Refusal of supervisor to give bond. The refusal of a supervisor to give such security shall be a misdemeanor, and any fine imposed on his conviction thereof shall be for the

* So in original.

benefit of the common schools of the town. Upon such refusal, the moneys so set apart and apportioned to the town shall be paid to and disbursed by some other officer or person to be designated by the county judge, under such regulations and with such safeguards as he may prescribe, and the reasonable compensation of such officer or person, to be adjusted by the board of supervisors, shall be a town charge. [*Renumbered* § 374 *by L.* 1917, *ch.* 328; *renumbered* § 364 *by L.* 1918, *ch.* 199.]

§ 365. Report by supervisors to district superintendents. On the first Tuesday of February in each year, each supervisor shall make a return in writing to the district superintendent of schools of the supervisory district in which the town is situated, showing the amounts of school moneys in his hands not paid on the orders of trustees for teachers' salaries, and the districts to which they stand accredited, and if such moneys remain in his hands, he shall report that fact; and thereafter he shall not pay out any of said moneys until he shall have received the certificate of the next apportionment; and the moneys so returned by him shall be reapportioned as directed in article eighteen of this chapter. [*Amended by L.* 1913, *ch.* 130; *renumbered* § 375 *by L.* 1917, *ch.* 328; *renumbered* § 365 *by L.* 1918, *ch.* 199.]

FEES OF SUPERVISOR

Town Law (*L.* 1909, *ch.* 63)

§ 85. Compensation of town officers.

3. The supervisor of each town shall be allowed and paid, in the same manner as other town charges are allowed and paid, a fee of one per centum on all moneys paid out by him as such supervisor, including school moneys disbursed by him as provided in the education law, moneys paid out by him for damages arising from dogs killing or injuring sheep as provided in article seven of the county law, moneys in his hands paid out by him for the relief of the poor, and all other town moneys paid out by him for defraying town charges, except moneys expended under article six of the highway law. But no such fee shall be allowed or paid upon moneys paid over by him to his successor in office. Such fees shall be in full compensation for all services rendered by him in respect to moneys received and paid out by him as such supervisor as provided by law except the compensation provided in section one hundred and ten of the highway law. [*As amended by L.* 1909, *ch.* 491.]

ARTICLE 14

[Entire article amended by L. 1910, ch. 607.]

District Superintendent of Schools; His Election, Powers and Duties

Section 380. Office of district superintendent of schools created.
381. Supervisory districts.
382. School directors.
383. Election of district superintendent.
384. Qualifications of district superintendents.
385. District superintendent must take oath of office.
386. Term of office of district superintendent.
387. Vacancies in the office of district superintendent.
388. Filling vacancy in the office of district superintendent.
389. Salary of district superintendent.
390. Expense of district superintendents.
391. Salary of district superintendent may be withheld.
392. Removal of district superintendent from office.
393. District superintendent not to be interested in certain business or to accept rewards, et cetera.
394. District superintendent not to engage in other business.
395. General powers and duties of district superintendent.
396. District superintendent subject to the rules of commissioner of education.
397. Other duties of a district superintendent.
398. Appeals from acts of district superintendent, et cetera.

§ 380. Office of district superintendent of schools created. The office of district superintendent of schools is hereby created to begin on the first day of January, nineteen hundred and twelve. [*Amended by L.* 1910, *ch.* 607.]

§ 381. Supervisory districts. 1. The territory embraced in the school commissioner districts of the state outside of cities and of school districts of five thousand population or more, which employ a superintendent of schools, shall be organ-

ized and divided into supervisory districts. In the formation or division of such territory into such districts no town shall be divided. The territory of such districts must be contiguous and compact and towns shall be arranged in districts so that there shall be as equal a division of the territory and number of school districts as may be practicable.

2. In a county entitled to two or more supervisory districts the school commissioner of each school commissioner district in such county and the supervisor of each town in such county shall meet at the county seat of such county on the third Tuesday in April, nineteen hundred and eleven, at ten o'clock in the forenoon and divide such county into the number of supervisory districts to which it is entitled.

3. The county clerk of such county shall give ten days' notice, in writing, of such meeting, to each of such school commissioners and supervisors. The county clerk shall also call such meeting to order at the proper hour and the school commissioners and supervisors present shall elect from their number a chairman and a clerk.

4. A copy of the proceedings of such meeting showing the supervisory districts formed and naming the towns composing each of such districts, certified by the chairman and clerk, shall be deposited by the clerk of such meeting in the office of the clerk of the county immediately after the close of the meeting. The county clerk on receipt of the same shall forward a certified copy thereof to the commissioner of education.

5. The number of supervisory districts into which each county shall be organized or divided is as follows:

a. Hamilton, Putnam, Rockland, Schenectady, each one;

b. Chemung, Fulton, Genesee, Montgomery, Nassau, Schuyler, Seneca, Yates, each two;

c. Albany, Clinton, Columbia, Cortland, Essex, Greene, Livingston, Niagara, Orange, Orleans, Rensselaer, Schoharie, Suffolk, Sullivan, Tioga, Tompkins, Warren, Wyoming, each three;

d. Broome, Dutchess, Franklin, Herkimer, Lewis, Madison, Monroe, Ontario, Saratoga, Ulster, Washington, Wayne, Westchester, each four;

e. Allegany, Cattaraugus, Cayuga, Chenango, Erie, Onondaga, Oswego, each five;

f. Chautauqua, Delaware, Jefferson, Otsego, each six;

g. Oneida, Steuben, each seven;

h. Saint Lawrence, eight districts.

6. The district superintendents of two or more supervisory districts in a county may unite in a petition to the board of supervisors of the county for a change in the boundaries of such districts by including or excluding one or more towns, stating the reasons for such change, and if such change conforms to the territorial requirements of subdivision 1 of this section, the board of supervisors may, by resolution, change such districts in accordance with such petition. A copy of such resolution, certified by the chairman and clerk of the board of supervisors, shall be deposited by the clerk in the office of the clerk of the county. The county clerk on receipt of the same shall forward a certified copy thereof to the commissioner of education. [*Subdivision* 6 *added by L.* 1916, *ch.* 238; *section amended by L.* 1910, *ch.* 607.]

§ 382. School directors. 1. Two school directors shall be elected for each town at the general election held in the year 1910. One of such directors shall be elected to serve until January 1, 1913, and the other shall be elected to serve until January 1, 1916. A director shall be elected at the general election in 1912 and every fifth year thereafter and one shall be elected in 1915 and every fifth year thereafter. The term of office of the directors elected in 1912 and thereafter shall commence on the first day of January following their election and continue for five years. In towns, except those towns situated in the counties of Nassau and Suffolk, where biennial town meetings are held at a time other than the general election, directors shall be elected at the biennial town meeting held immediately prior to the expiration of the term of their predecessors. Such directors shall be elected in the same manner that town officers are elected at town meetings held at the time of a general election, and the provisions of the election law relating to the nomination and election of such town officers shall apply to the nomination and election of such directors.

2. A school director shall vacate his office by removal from the town or by filing a written resignation with the town clerk. A vacancy in the office of school director shall be filled by the town board of the town in which such vacancy exists, for the remainder of the unexpired term. If the town fails to elect a director a vacancy shall be deemed to exist in such office.

3. A school director before entering upon the discharge of the duties of his office, and not later than 30 days after the date on which he was elected to office, shall take the oath of office prescribed by the constitution. Such oath may be taken before a

justice of the peace or a notary public, and must be filed in the office of the clerk of the town.

4. A school director shall receive two dollars per day for each day's service and his necessary traveling expenses, and the town board of the town for which such director is chosen shall audit and allow the same. [*Amended by L.* 1910, *ch.* 607, *and L.* 1916, *ch.* 168.]

§ 383. Election of district superintendent. 1. The school directors of the several towns composing a supervisory district shall meet for organization at eleven o'clock in the forenoon on the third Tuesday in May following their election. Such meeting shall be held at a place in the supervisory district, designated by the county clerk, at least ten days previous to the date thereof. At the time the county clerk designates such place of meeting he shall also mail a notice of the time and place of such meeting to each school director of the district. The school directors present at such meeting shall organize by electing from their number a chairman, a clerk and two inspectors of election. The school directors at such meeting shall designate a place for holding future meetings.

2. The school directors of the several towns composing a supervisory district shall be a board of school directors, and such board of directors shall meet at eleven o'clock in the forenoon on the third Tuesday in August, nineteen hundred and eleven, and on the third Tuesday in June every fifth year thereafter, and elect a district superintendent of schools. The clerk of such board shall give each director at least ten days' notice in writing of the hour, date and place of such meeting.

3. If such directors fail to elect a district superintendent of schools before the first day of January following the date of such meeting, and a vacancy exists in such office, the county judge shall appoint such superintendent who shall serve until the board of directors shall fill such vacancy.

4. In the election of such district superintendent the vote shall be by ballot and the person receiving a majority of all votes cast shall be elected. Each school director shall be entitled to one vote in such election.

5. The clerk of such board shall file a copy of the proceedings of each meeting and each election, certified by himself and the chairman, in the office of the clerk of the county in which such meeting or election is held within three days after the close thereof.

6. The county clerk on receipt of notice of the election of a district superintendent of schools in any supervisory district of his county shall deliver to the person elected a certificate of such election attested by his signature with the seal of the county and shall also transmit to the commissioner of education a duplicate of such certificate of election. [*Amended by L.* 1910, *ch.* 607.]

7. When a district superintendent enters the military or naval service of the United States during the continuance of the present war, the board of school directors of the supervisory district of such district superintendent shall designate a person to act as the deputy of such district superintendent. This deputy shall during the absence of said district superintendent perform all the duties and possess the power and authority conferred by law on a district superintendent. Such person shall also possess qualifications approved by the commissioner of education. [*Added by L.* 1918, *ch.* 107, *in effect March* 28, 1918.]

§ 384. Qualifications of district superintendents. 1. To be eligible to election to the office of district superintendent of schools a person must be at least twenty-one years of age, a citizen of the United States and a resident of the state, but he need not be a resident of the supervisory district for which he is elected at the time of his election. Such superintendent must, however, become a resident of the county containing the district for which he has been elected on or before the date on which his term of office begins. Failure to acquire such residence will be deemed a removal from the county. No person shall be ineligible on account of sex.

2. In addition thereto he must possess or be entitled to receive a certificate authorizing him to teach in any of the public schools of the state without further examination and he shall also pass an examination prescribed by the commissioner of education on the supervision of courses of study in agriculture and teaching the same.

3. A district superintendent who is removed from office shall not be eligible to election to such office in any supervisory district for a period of five years. [*Amended by L.* 1910, *ch.* 607.]

§ 385. District superintendent must take oath of office. A district superintendent of schools before entering upon the discharge of the duties of his office, and not later than five days after the date on which his term of office is to commence, shall take the oath of office prescribed by the constitu-

tion. Such oath may be taken before a county clerk, a justice of the peace, or a notary public and must be filed in the office of the clerk of the county. [*Amended by L.* 1910, *ch.* 607.]

§ 386. Term of office of district superintendent. The district superintendents elected in nineteen hundred and eleven shall hold office until the first day of August, nineteen hundred and sixteen. The full term of office of a district superintendent of schools elected in nineteen hundred and sixteen and thereafter shall be five years and shall commence on the first day of August next after his election. A district superintendent of schools unless removed shall hold office until his successor is chosen and qualified. [*Amended by L.* 1910, *ch.* 607.]

§ 387. Vacancies in the office of district superintendent. The office of district superintendent of schools shall be vacant upon:

1. The death of an incumbent.
2. His removal from office by the commissioner of education.
3. His removal from the county.
4. His filing in the office of the clerk of the county his written resignation.
5. His acceptance of the office of supervisor, town clerk or trustee of a school district.
6. His failure to take and file the oath of office as provided in this article. [*Amended by L.* 1910, *ch.* 607.]

§ 388. Filling vacancy in the office of district superintendent. Whenever a vacancy occurs it shall be filled for the remainder of the unexpired term by the board of school directors. Upon direction of the commissioner of education the clerk of the board in which the supervisory district having such vacancy is located shall immediately call a special meeting of such board for the purpose of electing a district superintendent. The provisions of this title relative to the election generally of a district superintendent of schools, including notices, filing of the proceedings and all other matters relating to such an election, shall apply to a special election to fill a vacancy in such office. [*Amended by L.* 1910, *ch.* 607.]

§ 389. Salary of district superintendent. 1. Each district superintendent shall receive an annual salary from the state of fifteen hundred dollars, payable monthly by the commissioner of education from moneys appropriated therefor.

2. The supervisors of the towns composing any supervisory dis-

trict may by adopting a resolution by a majority vote increase the salary to be paid by such district to its district superintendent. Such supervisors must thereupon file with the clerk of the board of supervisors a certificate showing the amount of such increase. The board of supervisors of each county shall levy such amount annually by tax on the towns composing such supervisory district within the county. [*Amended by L.* 1910, *ch.* 607; *subdivision* 1 *amended by L.* 1917, *ch.* 794, *in effect July* 1, 1917.]

§ 390. Expense of district superintendents. The commissioner of education shall quarterly audit and allow the actual sworn expense incurred by each district superintendent of schools in the performance of his official duties, but the amount of such expense allowed shall not exceed in any year three hundred dollars. Such expenses shall be paid by the commissioner of education from moneys appropriated therefor. [*Amended by L.* 1910, *ch.* 607.]

§ 391. Salary of district superintendent may be withheld. The commissioner of education may, whenever he is satisfied that a district superintendent of schools has persistently neglected to perform an official duty, withhold payment of the whole or any part of such superintendent's salary as it shall become due and he may also withhold any sum to which such superintendent shall be entitled for expenses and the amount thus withheld shall be forfeited; but said commissioner may in his discretion remit such forfeiture in whole or in part. [*Amended by L.* 1910, *ch.* 607.]

§ 392. Removal of district superintendent from office. The commissioner of education may, by an order under the seal of the education department, remove a district superintendent of schools from office whenever he is satisfied that such superintendent:

1. Has been guilty of immoral conduct;
2. Is incompetent to perform any official duty; or
3. Has persistently neglected or wilfully refused to perform any lawful duty imposed upon him. [*Amended by L.* 1910, *ch.* 607.]

§ 393. District superintendent not to be interested in certain business or to accept rewards, et cetera. A district superintendent of schools shall not:

1. Be directly or indirectly interested otherwise than as author in the sale, publication, or manufacture of school books, maps,

charts, or school apparatus or in the sale or manufacture of school furniture or any other school or library supplies.

2. Be directly or indirectly interested in any contract made by the trustees of a school district.

3. Be directly or indirectly interested in any agency or bureau maintained to obtain or aid in obtaining positions for teachers or superintendents.

4. Directly or indirectly receive any emolument, gift, pay, reward or promise of pay or reward for recommending or procuring the sale, use or adoption or aiding in procuring the sale, use or adoption of any book, map, chart, school apparatus or furniture or other supplies for any school or library or for recommending a teacher or aiding a teacher in obtaining an appointment to teach. [*Amended by L.* 1910, *ch.* 607.]

§ 394. District superintendents not to engage in other business. A district superintendent of schools shall devote his whole time to the performance of the duties of his office and shall not engage in any other occupation or profession. Such time as shall not necessarily be devoted by a district superintendent of schools to the performance of the clerical and administrative work of his office shall be devoted to the visitation and inspection of the schools maintained in his supervisory district. [*Amended by L.* 1910, *ch.* 607.]

§ 395. General powers and duties of district superintendent. A district superintendent of schools shall have power and it shall be his duty:

1. To inquire from time to time into and ascertain whether the boundaries of the school districts within his supervisory district are definitely and plainly described in the records of the office of the proper town clerk; and in case the record of the boundaries of any school district shall be found indefinite or defective, or if the same shall be in dispute, then to cause the same to be amended or an amended record of the boundaries to be made. All necessary expenses incurred in establishing such amended records shall be a charge on the district or districts affected, to be audited and allowed by the trustees thereof, on the certificate of the district superintendent.

2. To assemble all the teachers of his district by towns or otherwise, for the purpose of conference on the course of study, for reports of and advice and counsel in relation to discipline, school management and other school work, and for promoting the general good of all the schools of the district. Teachers shall

be entitled to compensation for days actually in attendance upon such conference. [*Subdivision* 2 *amended by L.* 1913, *ch.* 511.]

3. To frequently and thoroughly inspect the work done in the training classes maintained in his district and to report to the commissioner of education on the efficiency of the instruction given and the observation and practice work done by the members thereof.

4. To hold meetings of trustees and other school officers and to advise with and counsel them in relation to their powers and duties and particularly in relation to the repair, construction, heating, ventilating and lighting of schoolhouses and improving and adorning the school grounds. To especially advise trustees relative to the employment of teachers, the adoption of textbooks and the purchase of library books, school apparatus, furniture and supplies.

5. To direct the trustees of any district to make any alterations or repairs to the schoolhouses or outbuildings which shall, in his opinion, be necessary for the health or comfort of the pupils, but the amount which trustees shall be directed to expend in such alterations or repairs shall not exceed two hundred dollars in any one year.

6. To direct the trustees of any district to make any repairs or alterations to school furniture, or where in his opinion any furniture is unfit for use and not worth repairing, or when sufficient furniture is not provided, to direct that such new furniture shall be provided as he deems necessary, but the amount thus directed to be expended shall not exceed in any one year one hundred dollars.

7. To direct the trustees of any district to abate any nuisance in or on the school grounds.

8. To condemn a schoolhouse as provided elsewhere in this chapter.

9. To examine and license teachers pursuant to the provisions of this chapter. He shall also conduct such other examinations as the commissioner of education shall direct.

10. To examine any charge affecting the moral character of any teacher residing or employed within his district, and to revoke such teacher's certificate as elsewhere provided by this chapter.

11. To take affidavits and administer oaths in all matters pertaining to the public school system, but without charge or fee.

12. To take and report to the commissioner of education under the direction of such commissioner testimony in a case on appeal. In such a case or in any matter or proceeding to be heard or determined by the district superintendent, he may issue a subpoena to compel the attendance of a witness. Service of such subpoena shall be made a reasonable time before the date named therein for the hearing, by exhibiting the same to the person so served, with the signature of the district superintendent of schools attached, and by leaving a copy thereof with such person. The witness shall be entitled to receive at the time of service, the same fees as provided by law for witnesses in a court of record. Disobedience to such subpoena shall subject the delinquent to a penalty of twenty-five dollars, which shall be recovered by the county treasurer in his name of office for the benefit of the county.

13. To exercise in his discretion any of the powers and perform any of the duties of another district superintendent on the written request of such other superintendent, and he must exercise such powers and perform such duties when directed to do so by the commissioner of education.

14. To make such investigations and to make such reports to the commissioner of education upon any matter or act as said commissioner shall from time to time request. He shall make an annual report on the first day of September in such form and giving such information as the commissioner of education shall require. For this purpose he shall procure the reports of trustees of school districts from the town clerks' offices and after abstracting the necessary contents thereof shall indorse and deposit them with a copy of his abstract in the office of the county clerk. [*Section amended by L.* 1910, *ch.* 607.]

§ 396. District superintendent subject to the rules of commissioner of education. A district superintendent shall be subject to such rules and directions as the commissioner of education shall from time to time prescribe. [*Amended by L.* 1910, *ch.* 607.]

§ 397. Other duties of a district superintendent. A district superintendent of schools shall, in addition to the duties especially conferred upon him by this title, possess and be subject to all the powers, duties and responsibilities with which a school commissioner is charged by law. [*Amended by L.* 1910, *ch.* 607.]

§ 398. Appeals from acts of district superintendent, et cetera. Appeals from the official acts of a district superintendent of schools or from his refusal or failure to act in any matter in which he may legally act, may be taken to the commissioner of education. All questions in controversy relating to the election of such district superintendent or to the formation of supervisory district shall be determined by the commissioner of education on proper appeal. The provisions of article fourteen of this chapter shall apply to and govern such appeals and decisions therein. [*Amended by L.* 1910, *ch.* 607.]

PAYMENT OF CERTAIN EXPENSES OF DISTRICT SUPERINTENDENTS

[*County Law*, § 12]

31. The board of supervisors is authorized to provide for the payment of properly itemized and verified bills of district superintendents of schools of the supervisory districts in the county rendered by them for expenses incurred for necessary printing and office supplies, subject to such conditions as the board may prescribe. The board may, by resolution, authorize the incurring of indebtedness for such purposes and when so authorized the bills therefor shall be audited and paid in the same manner as other charges against the county. [*Subdivision added by L.* 1914, *ch.* 389, *in effect April* 16, 1914.]

ARTICLE 15

Assessment and Collection of Taxes

Section 410. Assessment of taxes.
410-a. Levy of taxes in Suffolk county.
410-b. Extension of taxes upon assessment-rolls, arrears of school taxes and right of taxation in the county of Suffolk.
411. Property to be assessed.
412. Ascertainment of valuations.
413. Power of trustees to determine values.
414. Equalization within joint districts.
415. Assessment of vacant land.
416. Persons working land on shares and vendees in possession liable to taxation.
417. Liability of property of certain absentee owners.
418. Certain exemptions from tax for building schoolhouse.
419. Right of certain tenants to charge tax to landlord.

Section 420. Requisites and authority of collector's warrant.
421. Time for delivery of warrant to collector.
422. Jurisdiction of collector.
423. Renewals of warrants.
424. Amendment of tax-lists.
425. Collector's notice.
426. Collector's fees.
427. Notice to railroad companies and certain other corporations of assessment and tax.
428. Payment of tax by railroad and certain other corporations to county treasurer.
429. Duty of collector after failure of railroad and certain other corporations to pay within thirty days.
430. Payment of tax by county treasurer to collector.
431. Such companies may pay collector.
432. Trustees' right of action to recover tax.
433. Collector's return of unpaid taxes.
434. Certification by trustees of collector's return.
435. Payment of unpaid taxes from county treasury.
436. Levy by supervisors of unpaid taxes.
437. Payment before levy.
438. Proceedings for collection same as of county taxes.
439. Filing tax-list and warrant with town clerk.
440. Assessment for school purposes of certain state lands.

§ 410. Assessment of taxes. Immediately after a tax shall have been voted by a district meeting, for a purpose arising during the current school year the trustees shall assess it, and make out the tax-list therefor, and annex thereto their warrant for its collection. Where a tax is voted at an annual school meeting for school purposes during the following school year the said trustees shall prepare their tax-list therefor and annex thereto their warrant for its collection within thirty days after August first. But they may at the same time assess two or more taxes so voted, and any taxes they are authorized to raise without such vote, and make out one tax-list and one warrant for the collection of the whole. They shall prefix to their tax-list a heading showing for what purpose the different items of the tax are levied. [*Amended by L.* 1911, *ch.* 830.]

§ 410-a. Levy of taxes in Suffolk county. In the school districts of Suffolk county, in the year nineteen hundred and eighteen, the several district trustees and boards of education shall levy the taxes which were required for their respective districts in nineteen hundred and seventeen and which shall have been approved by the electors for the year nineteen hundred and eighteen. When any such tax shall have been extended against the assessable property in the district, as provided in the next section, each parcel of property or taxpayer shall be credited for the amount of such tax as has been paid thereon for the year nineteen hundred and seventeen by virtue of other provisions of this chapter. [*Added by L.* 1918, *ch.* 518.]

§ 410-b. Extension of taxes upon assessment-rolls, arrears of school taxes and right of taxation in the county of Suffolk. In the school districts of Suffolk county, on and after the first Tuesday of May, nineteen hundred and eighteen, the taxes for school purposes shall be extended in the town assessment-rolls by the supervisors, with the other taxes for town and county purposes, in the column provided for school tax arrears. The town assessors, after their determination of complaints of taxpayers, at the time known as grievance day, shall immediately total the assessed values in the respective school districts, including special franchises, and submit such totals to the trustees and boards of education in their respective districts. Such trustees and boards of education shall immediately thereafter compute the rate of taxation for school purposes in their respective school districts and report such rate in dollars, on each one hundred dollars of assessed valuations, together with the total net budget required, to the supervisor of the town in which such school district is situated. In the year nineteen hundred and eighteen the arrears of school taxes for the year nineteen hundred and seventeen shall be combined with the new taxes and entered in the same column. All the provisions of this article, except as otherwise provided in this and the preceding section, shall apply to the levy of such school taxes. [*Added by L.* 1918, *ch.* 518.]

§ 411. Property to be assessed. 1. School district taxes shall be apportioned by the trustees upon all real estate within the boundaries of the district which shall not be by law exempt

from taxation, except as hereinafter provided, and such property shall be assessed to the person or corporation owning or possessing the same at the time such tax-list shall be made out.

2. The trustees shall also apportion the district taxes upon all persons residing in the district, and upon all corporations liable to taxation therein, for the personal estate owned by them and liable to taxation.

3. Land lying in one body and occupied by the same person, either as owner or agent for the same principal, or as tenant under the same landlord, if assessed as one lot on the last assessment-roll of the town after revision by the assessors, shall, though situated partly in two or more school districts, be taxable in that one of them in which such occupant resides. This rule shall not apply to land owned by non-residents of the district, and which shall not be occupied by an agent, servant or tenant residing in the district. Such unoccupied real estate shall be assessed as non-resident, and a description thereof shall be entered in the tax-list.

§ 412. Ascertainment of valuations. The valuations of taxable property shall be ascertained, so far as possible, from the last assessment-roll of the town, after revision by the assessors; and no person shall be entitled to any reduction in the valuation of such property, as so ascertained, unless he shall give notice of his claim to such reduction in writing to the trustees of the district before the tax-list shall be made out.

§ 413. Power of trustees to determine values. The trustees of a district shall ascertain the true value of the property to be taxed from the best evidence in their power, giving notice to the persons interested, and proceeding in the same manner as the town assessors are required by law to proceed in the valuation of taxable property, the hearing of grievances, and the revision of the town assessment-roll in the following cases:

1. When a reduction shall be duly claimed and where the valuation of taxable property cannot be ascertained from the last completed assessment-roll of the town;

2. When the valuation of such property shall have increased or diminished since the last assessment-roll of the town was completed;

3. When an error, mistake, or omission on the part of the town assessors shall have been made in the description or valuation of taxable property.

§ 414. Equalization within joint districts. When a district embraces parts of two or more towns, the supervisors of such towns shall, upon receiving a written notice from the trustees of such district, or from three or more persons liable to pay taxes upon real estate therein, meet at a time and place to be named in such notice, which time shall not be less than five or more than ten days from the service thereof, and a place within the bounds of the towns so in part embraced, and proceed to inquire and determine whether the valuation of real property upon the several assessment-rolls of said towns is substantially just as compared with each other.

2. If it is ascertained that such assessments are not relatively equal such supervisor shall determine the relative proportion of taxes that ought to be assessed upon the real property of the parts of such district lying in different towns, and the trustees of such district shall thereupon assess the proportion of any tax thereafter to be raised, according to the determination of such supervisors, until new assessment-rolls of the town shall be perfected and filed, using the assessment-rolls of the several towns to distribute the said proportion among the persons liable to be assessed for the same.

3. If such supervisors shall be unable to agree, they shall summon a supervisor from some adjoining town who shall meet with them and unite in such inquiry and the finding of a majority shall be the determination of such meeting.

4. Such supervisors shall receive for their services three dollars per day for each day actually employed which shall be a town charge upon their respective towns.

§ 415. Assessment of vacant land. When any real estate within a district so liable to taxation shall not be occupied and improved by the owner, his servant or agent, and shall not be possessed by any tenant, the trustees of any district, at the time of making out any tax-list by which any tax shall be imposed thereon, shall make and insert in such tax-list a statement and description of every such lot, piece or parcel of land so owned by nonresidents therein, in the same manner as required by law from town assessors in making out the assessment-roll of their towns; and if any such lot is known to belong to an incorporated

company liable to taxation in such district, the name of such company shall be specified, and the value of such lot or piece of land shall be set down opposite to such description, which value shall be the same that was affixed to such lot or piece of land in the last assessment-roll of the town; and if the same was not separately valued in such roll, then it shall be valued in proportion to the valuation which was affixed in the said assessment-roll to the whole tract of which such lot or piece shall be part.

§ 416. Persons working land on shares and vendees in possession liable to taxation. Any person working land under a contract for a share of the produce of such land, shall be deemed the possessor, so far as to render him liable to taxation therefor, in the district where such land is situate, and any person in possession of real property under a contract for the purchase thereof shall be liable to taxation therefor in the district where such real property is situated.

§ 417. Liability of property of certain absentee owners. Every person owning or holding any real property within any school district, who shall improve and occupy the same by his agent or servant, shall, in respect to the liability of such property to taxation, be considered a taxable inhabitant of such district, in the same manner as if he actually resided therein.

§ 418. Certain exemptions from tax for building school-house. Every taxable inhabitant of a district who shall have been, within four years, set off from any other district, without his consent, and shall within that period, have actually paid in such other district, under a lawful assessment therein, a district tax for building a school-house, shall be exempted by the trustees of the district where he shall reside, from the payment of any tax for building a school-house therein.

§ 419. Right of certain tenants to charge tax to landlord. Where any district tax, for the purpose of purchasing a site for a school-house, or for purchasing or building, keeping in repair, or furnishing such school-house with necessary fuel and appurtenances, shall be lawfully assessed, and paid by any person on account of any real property whereof he is only a tenant at will, or for three years, or for a less period of time, such tenant may charge the owner of such real estate with the amount of the tax so paid by him, unless some agreement to the contrary shall have been made by such tenant.

§ 420. Requisites and authority of collector's warrant. The warant* for the collection of a district tax shall be under the hands of the trustees, or a majority of them, with or without their seals; and it shall have the like force and effect as a warrant issued by a board of supervisors to a collector of taxes in the town; and the collector to whom it may be delivered for collection shall be thereby authorized and required to collect from every person in such tax-list named the sum set opposite to his name, or the amount due from any person specified therein, in the same manner that collectors are authorized to collect town and county taxes.

§ 421. Time for delivery of warrant to collector. 1. A warrant for the collection of a tax voted by the district shall not be delivered to the collector until the thirty-first day after the tax was voted.

2. A warrant for the collection of a tax authorized by law without a vote of the district may be delivered to the collector whenever the same is completed.

§ 422. Jurisdiction of collector. Any collector to whom any tax-list and warrant may be delivered for collection may execute the same in any other district or town in the same county, or in any other county where the district is a joint district and composed of territory from adjoining counties, in the same manner and with the like authority as in the district in which the trustees issuing the said warrant may reside, and for the benefit of which said tax is intended to be collected; and the bond or sureties of any collector, given for the faithful performance of his official duties, are hereby declared and made liable for any moneys received or collected on any such tax-list and warrant.

§ 423. Renewals of warrants. If the sum of money, payable by any person named in such tax-lists, shall not be paid by him or collected by such warrant within the time therein limited, it shall be lawful for the trustees to renew such warrant in respect to such delinquent person; and whenever more than one renewal of a warrant for the collection of any tax-list may become necessary in any district, the trustees may make such further renewal, with the written approval of the supervisor of any town in which a school-house of said district may be located, to be indorsed upon such warrant.

§ 424. Amendment of tax-lists. Whenever the trustees of any school district shall discover any error in a tax-list made

* So in original.

out by them, they may, with the approval and consent of the commissioner of education, after refunding any amount that may have been improperly collected on such tax-list, if the same shall be required by him, amend and correct such tax-list, as directed by the commissioner, in conformity to law.

§ 425. Collector's notice. 1. The collector, on the receipt of a warrant for the collection of taxes, shall give notice to the taxpayers of the district by publicly posting written or printed, or partly written and partly printed, notices in at least three public places in such district, one of which shall be on the outside of the front door of the school-house, stating that he has received such warrant and will receive all such taxes as may be voluntarily paid to him within thirty days from the time of posting said notice.

2. Such collector shall also give a like notice, either personally or by mail, at least twenty days previous to the expiration of the thirty days aforesaid, to the president, secretary, general or division superintendent, or manager of any canal or pipe line, assessed for taxes upon the tax-list delivered to him with the aforesaid warrant.

3. Such collector shall also give a like notice to all nonresident taxpayers on said list whose tax amounts to one dollar or more and whose residence or post-office address may be known to such collector, or may be ascertained by him upon inquiry of the trustees and clerk of his district.

4. No school collector shall be entitled to recover from any railroad corporation, canal company or pipe line, or nonresident taxpayer more than one per centum fees on the taxes assessed against such corporation or nonresident, unless such notice shall have been given as aforesaid; and in case the whole amount of taxes shall not be so paid in, the collector shall forthwith proceed to collect the same.

§ 426. Collector's fees. The collector shall receive for his services on all sums paid in as aforesaid, one per centum, and upon all sums collected by him, after the expiration of the time mentioned, five per centum, except as hereinbefore provided; and in case a levy and sale shall be necessarily made by such collector, he shall be entitled to traveling fees, at the rate of ten cents per mile, to be computed from the school-house in such district.

§ 427. Notice to railroad companies and certain other corporations of assessment and tax. 1. It shall

be the duty of the school collector in each school district in this state, within five days after the receipt by such collector of any and every tax or assessment roll of his district, to prepare and deliver to the county treasurer of the county in which such district, or the greater part thereof, is situated, a statement showing the name of each railroad, telegraph, telephone, electric light or gas company, including a company engaged in the business of supplying natural gas, appearing in said roll, the assessment against each of said companies for real and personal property respectively, and the tax against each of said companies.

2. It shall thereupon be the duty of such county treasurer, immediately after the receipt by him of such statement from such school collector, to notify the ticket agent or manager of any such railroad, telegraph, telephone, electric light or gas company, including a company engaged in the business of supplying natural gas assessed for taxes at the station or office nearest to the office of such county treasurer or to notify the company at its principal office within this state personally or by mail, of the fact that such statement has been filed with him by such collector, at the same time specifying the amount of tax to be paid by such company. [*Amended by L.* 1913, *ch.* 216.]

§ 428. Payment of tax by railroad and certain other corporations to county treasurer. Any railroad company heretofore organized, or which may hereafter be organized, under the laws of this state and any telegraph, telephone, electric light or gas company including a company engaged in the business of supplying natural gas may within thirty days after the receipt of such statement by such county treasurer, pay the amount of tax so levied or assessed against it in such a district and in such statement mentioned and contained with one per centum fee thereon, to such county treasurer, who is hereby authorized and directed to receive such amount and to give proper receipt therefor. [*Amended by L.* 1913, *ch.* 216.]

§ 429. Duty of collector after failure of railroad and certain other corporations to pay within thirty days. In case any railroad company and any telegraph, telephone, electric light or gas company including a company engaged in the business of supplying natural gas shall fail to pay such tax within said thirty days, it shall be the duty of such county treasurer to notify the collector of the school district in

which such delinquent railroad company is assessed, of its failure to pay said tax, and upon receipt of such notice it shall be the duty of such collector to collect such unpaid tax in the manner now provided by law together with five per centum fees thereon; but no school collector shall collect by distress and sale any tax levied or assessed in his district upon the property of any such company until the receipt by him of such notice from the county treasurer. [*Amended by L.* 1913, *ch.* 216.]

§ 430. Payment of tax by county treasurer to collector. The several amounts of tax received by any county treasurer in this state, under the provisions of the last three sections, of and from such companies, shall be by such county treasurer placed to the credit of the school district for or on account of which the same was levied or assessed, and on demand paid over to the school collector thereof, and the one per centum fees received therewith shall be placed to the credit of, and on demand paid to, the school collector of such school district. [*Amended by L.* 1913, *ch.* 216.]

§ 431. Such companies may pay collector. Nothing in the last four sections contained shall be construed to hinder, prevent or prohibit any railroad company or telegraph, telephone, electric light or gas company including a company engaged in the business of supplying natural gas from paying its school tax to the school collector direct, as provided by law. [*Amended by L.* 1913, *ch.* 216.]

§ 432. Trustees' right of action to recover tax. Whenever any sum of money payable by any person named in such tax-list, shall not be paid by such person, or collected by such warrant within the time therein limited, or the time limited by any renewal of such warrant; or in case the property assessed be real estate belonging to an incorporated company, and no goods or chattels can be found whereon to levy the tax, the trustees may sue for and recover the same in their name of office.

§ 433. Collector's return of unpaid taxes. If any tax on real estate placed upon the tax-list and duly delivered to the collector, or the taxes upon nonresident stockholders in banking associations organized under the laws of congress, shall be unpaid at the time the collector is required by law to return his warrant, he shall deliver to the trustees of the district an account of the taxes remaining due, containing a description of the lands upon which such taxes were unpaid as the same were

placed upon the tax-list, together with the amount of the tax so assessed, and upon making oath before any justice of the peace or judge of a court of record, notary public or any other officer authorized to administer oaths, that the taxes mentioned in any such account remain unpaid, and that, after diligent efforts, he has been unable to collect the same, he shall be credited by said trustees with the amount thereof.

§ 434. Certification by trustees of collector's return. Upon receiving any such account from the collector, the trustees shall compare it with the original tax-list, and if they find it to be a true transcript they shall add to such account their certificate to the effect that they have compared it with the original tax-list and found it to be correct, and shall immediately transmit the account, affidavit and certificate to the treasurer of the county.

§ 435. Payment of unpaid taxes from county treasury. Out of any moneys in the county treasury, raised for contingent expenses, or for the purpose of paying the amount of the taxes so returned unpaid, the treasurer shall pay to the district treasurer, if there be such an officer, otherwise to the collector, the amount of the taxes so returned as unpaid, and if there are no moneys in the treasury applicable to such purpose, the board of supervisors, at the time of levying said unpaid taxes, as provided in the next section, shall pay to the district treasurer, if there be such an officer, otherwise to the collector of the school district the amount thereof which has been relevied, by voucher or draft on the county treasurer, in the same manner as other county charges are paid, and the collector shall be charged by the trustees with the amount so relevied. [*Amended by L.* 1910, *ch.* 284, *and L.* 1915, *ch.* 136.]

§ 436. Levy by supervisors of unpaid taxes. Such account, affidavit and certificate shall be laid by the county treasurer before the board of supervisors of the county, who shall cause the amount of such unpaid taxes, with seven per centum of the amount in addition thereto, to be levied upon the lands upon which the same were imposed; and if imposed upon the lands of any incorporated company, then upon such company; and when collected the same shall be returned to the county treasurer to reimburse the amount so advanced, with the expenses of collection.

§ 437. Payment before levy. Any person whose lands are included in any such account may pay the tax assessed

thereon, with five per centum added thereto, to the county treasurer, at any time before the board of supervisors shall have directed the same to be levied.

§ 438. Proceedings for collection same as of county taxes. The same proceedings in all respects shall be had for the collection of the amount so directed to be raised by the board of supervisors as are provided by law in relation to the county taxes; and, upon a similar account, as in the case of county taxes of the arrears thereof uncollected, being transmitted by the county treasurer to the comptroller, the same shall be paid on his warrant to the treasurer of the county advancing the same; and the amount so assumed by the state shall be collected for its benefit, in the manner prescribed by law in respect to the arrears of county taxes upon land of nonresidents; or if any part of the amount so assumed consisted of a tax upon any incorporated company, the same proceedings may also be had for the collection thereof as provided by law in respect to the county taxes assessed upon such company.

§ 439. Filing tax-list and warrant with town clerk. Within fifteen days after any tax-list and warrant shall have been returned by a collector to the trustees of any school district, the trustees shall deliver the same to the town clerk of the town in which the collector resides, and said town clerk shall file the same in his office.

§ 440. Assessment for school purposes of certain state lands. 1. The board of education of union free school district number one, town of Dannemora, in the county of Clinton, shall hereafter assess the property owned by the state and situate within the boundaries of said district, exclusive of the improvements erected thereon by the state at the same valuation as other lands in said district are assessed, and the comptroller shall hereafter pay to the school authorities of such district the amount of taxes levied upon the land of the state for school purposes in such district by virtue of this section, out of any moneys hereafter appropriated by the legislature for the payment of assessments for local improvements on property owned by the state.

2. The local school authorities of union free school district number 2 of the town of Wawarsing, Ulster county, districts number 6 and 8 of the town of Dover and districts number 1 and 2 of the town of Beekman, Dutchess county, all the school districts in the towns of Hyde Park and Poughkeepsie, Dutchess

county, all the school districts in the towns of Highlands, Woodbury and Tuxedo, Orange county, union free school district number one of the town of Ossining in the county of Westchester, district number five in the town of Marcy, Oneida county, and of school districts in the county of Rockland shall hereafter assess the lands owned by the state of New York and situate within the boundaries of said districts, exclusive of the improvements, if any, erected thereon by the state, at the same valuation as similar lands of individuals in said districts are assessed and the comptroller shall hereafter credit to the treasurer of the county wherein such lands are situated the amount of taxes levied upon the lands of the state therein for school purposes from taxes payable by said county treasurer each year to the state for state taxes levied and assessed upon the taxable property of the towns in which such districts are located and upon the adjustment of such taxes so made, the said county treasurer shall pay to the collector of taxes of the school districts in which such lands are situated the amount of such taxes as allowed and so paid by the state. [*Subdivision* 2, *as amended by L.* 1911, *ch.* 593; *L.* 1915, *ch.* 125; *L.* 1916, *ch.* 407; *L.* 1917, *ch.* 46, *and by L.* 1918, *ch.* 254, *in effect April* 17, 1918.]

3. After a tax has been voted by a district meeting in a district specified in the preceding subdivision, in which there is land owned by the state and the trustees have made the assessment and their tax-list therefor, such trustees shall immediately file in the office of the comptroller a duly verified copy of such tax list, which in addition to the other matters now required by law shall state which are lands belonging to the state. The comptroller shall within thirty days after the receipt of such list and after hearing the trustees, if they or any of them so desire, correct or reduce any assessment of state lands which may be in his judgment an unfair proportion to the remaining assessment of land within the district, and shall in other respects approve the assessment and communicate such approval to the trustees. No such assessment of state lands shall be valid for any purpose until the amount of the assessment is approved by the comptroller.

PROVISIONS OF TAX LAW RELATIVE TO SCHOOL TAXES

NOTE.— The following provisions of the Tax Law (L. 1909, ch. 62, are of special interest to school district officers:

§ 40. Assessors to apportion valuation of railroad, telegraph, telephone, pipe line, water or gas companies and of special franchises among school and

special districts. The assessors of each town or city in which a railroad, telegraph, telephone, water pipe line, or gas company, including a company engaged in the business of supplying natural gas, is assessed by them or by the tax commission upon property lying in more than one school district or in one or more special districts in which a tax is levied for district purposes shall after the time fixed for hearing complaints and action thereon and prior to the final completion of the roll, pursuant to section thirty-nine of this chapter, apportion the assessed valuation of the property of each of such corporations so made by them or by the tax commission among such school and special districts. Such apportionments shall be entered by the assessors in the appropriate column of the assessment-roll and a certificate thereof signed by the assessors or a majority of them shall be filed with the town or city clerk within five days thereafter, and thereupon the valuations so apportioned shall become the valuations of such property in such districts for the purpose of taxation for the ensuing year. The town clerk shall furnish the trustees of school districts a certified statement of the valuations apportioned to their respective districts.

In case of the failure of the assessors to act, a supervisor of the town or city shall make such apportionment on request of either the trustee of any school district or the officers of any special district or the corporation assessed. In case of any alteration in any school district affecting the valuation of such property, the officer making the same shall fix and determine the valuations in the districts affected for the current year. [*Amended by L.* 1912, *ch.* 271; *L.* 1913, *ch.* 556, *and L.* 1916, *ch.* 323, *in effect April* 26, 1916.]

§ 70-b. Receipts for taxes. Every collector of taxes shall deliver or upon request forward by mail, a receipt wholly written with ink or partly printed and filled out with ink to each person paying a tax, specifying the date of such payment, the name of such person, the description of the property as shown on the assessment-roll, the name of the person to whom the same is assessed, the amount of such tax, and the date of delivery to him of the assessment-roll on account of which such tax was paid. For the purpose of giving such receipt, each collector shall have a book of blank receipts, so arranged that when a receipt is torn therefrom a corresponding copy or stub will remain. The tax commission shall prescribe the form of such receipts, stubs and

books and they shall be furnished to the town collector by the board of supervisors, at the expense of the county; to the city collector by the common council, at the expense of the city; to the village collector by the village trustees at the expense of the village; to the school collector by the trustee or trustees at the expense of the school district. The expense of mailing receipts shall be a proper charge against the city, town, village or school district. At the time of giving such a receipt the collector shall make the same entries on the corresponding copy or stub as are required to be made on the receipt. Such book shall be subject to public inspection and shall be filed by the collector with his return, together with the assessment-roll in the office of the county treasurer, or such officer or board to which such collector makes his return. [*Amended by L.* 1916, *ch.* 323, *in effect April* 26, 1916.]

ARTICLE 16
School Buildings and Sites

Section 450. No school-house shall be built on town line.
451. Plans and specifications of *new school buildings must be approved by commissioner of education.
452. Halls, doors, stairways, staircases, etc.
453. Fire escapes.
454. Use of school buildings for examinations and institutes.
455. Use of school-house and grounds out of school hours.
456. Condemnation of school-house and erection of new school-house in place thereof.
457. Provision for outbuildings.
458. When board of education may designate site without vote of district.
459. Change of site.
460. Site, how designated.
461. Sale of former school-house or site.
462. Application of proceeds of sale.
463. Acquisition of real property.
464. When owner's consent necessary.
465. Vesting of title of lands in certain cases.
466. Application to certain districts.
467. School taxes and school-bonds.

* So in original.

§ 450. No school-house shall be built on town line. No school-house shall be built so as to stand on the division line of any two towns.

§ 451. Plans and specifications of school buildings must be approved by commissioner of education. 1. No school-house shall hereafter be erected, repaired, enlarged or remodeled in a city of the third class or in a school district, at an expense which shall exceed five hundred dollars, until the plans and specifications thereof shall have been submitted to the commissioner of education and his approval indorsed thereon. Such plans and specifications shall show in detail the ventilation, heating and lighting of such buildings.

2. The commissioner of education shall not approve the plans for the erection of any school building or addition thereto or remodeling thereof unless the same shall provide

a. At least fifteen square feet of floor space and two hundred cubic feet of air space for each pupil to be accommodated in each study or recitation room therein.

b. For assuring at least thirty cubic feet of pure air every minute per pupil, and

c. The facilities for exhausting the foul or vitiated air therein shall be positive and independent of atmospheric changes.

3. No tax voted by a district meeting or other competent authority in any such city, or school district exceeding the sum of five hundred dollars, shall be levied by the trustees until the commissioner of education shall certify that the plans and specifications for the same comply with the provisions of this section.

§ 452. Halls, doors, stairways, staircases, etc. 1. All school-houses for which plans and detailed statements shall be filed and approved, as required by the preceding section shall have all halls, doors, stairways, seats, passage-ways and aisles and all lighting and heating appliances and apparatus arranged to facilitate egress and afford adequate protection in cases of fire or accident.

2. All exit doors shall open outwardly, and shall, if double doors be used, be fastened with movable bolts operated simultaneously by one handle from the inner face of the door.

3. No staircase shall be constructed with winder steps in lieu of a platform but shall be constructed with straight runs, changes in direction being made by platforms. No door shall open immediately upon a flight of stairs, but a landing at least the

width of the door shall be provided between such stairs and such doorway.

§ 453. Fire escapes. 1. All school buildings in the state, except in the city of New York, which are more than two stories high, shall have properly constructed stairways on the outside thereof, with suitable doorways leading thereto, from each story above the first, for use in case of fire. Such stairways shall be kept in good order and free from obstruction, and shall not be bolted or locked during school hours.

2. It shall be the duty of the trustee or board of education having charge of said school buildings to cause such stairways to be constructed and maintained, and the reasonable and proper cost thereof shall in each case be a legal charge upon the district or city, and shall be raised by tax, as other moneys are raised for school purposes.

§ 454. Use of school buildings for examinations and institutes. 1. The use of a school building shall be granted for any examination or teachers institute appointed by the commissioner of education upon the request of the school commissioner in whose school commissioner district or the superintendent of the city in which such building is located or upon the direction or order of such commissioner of education.

2. No charge shall be made therefor except when such building is used for a teachers institute, in which case a reasonable allowance may be made to said district or city for lighting, heating and janitor service, provided always that due and proper care shall be maintained and the school building be left in such condition as found in relation to cleanliness and neatness.

§ 455. Use of school-house and grounds out of school hours. School-houses and grounds connected therewith and all property belonging to the district shall be in the custody and under the control and supervision of the trustees or board of education of the district. The trustees or board of education may adopt reasonable regulations for the use of such school-houses, grounds or other property, when not in use for school purposes, for such other public purposes as are herein provided. Such regulations shall not conflict with the provisions of this chapter and shall conform to the purposes and intent of this section and shall be subject to review on appeal to the commissioner of education as provided by law. The trustees or board of education of each district may, subject to regulations adopted as

above provided, permit the use of the school-house and rooms therein, and the grounds and other property of the district, when not in use for school purposes, for any of the following purposes:

1. By persons assembling therein for the purpose of giving and receiving instruction in any branch of education, learning or the arts.

2. For public library purposes, subject to the provisions of this chapter, or as stations of public libraries.

3. For holding social, civic and recreational meetings and entertainments, and other uses pertaining to the welfare of the community; but such meetings, entertainment and uses shall be nonexclusive and shall be open to the general public.

4. For meetings, entertainments and occasions where admission fees are charged, when the proceeds thereof are to be expended for an educational or charitable purpose; but such use shall not be permitted if such meetings, entertainments and occasions are under the exclusive control, and the said proceeds are to be applied for the benefit of a society, association or organization of a religious sect or denomination, or of a fraternal, secret or other exclusive society or organization.

5. For polling places for holding primaries and elections, and for the registration of voters, and for holding political meetings. But no such use shall be permitted unless authorized by a vote of a district meeting, held as provided by law. It shall be the duty of the trustees or board of education to call a special meeting for such purpose upon the petition of at least ten per centum of the qualified electors of the district. If such authority be granted by a district meeting it shall be the duty of such trustees or board of education to permit such use, under reasonable regulations to be adopted by such trustees or board until another meeting held in like manner shall have revoked such authority.

6. For civic forums and community centers. Upon the petition of at least twenty-five citizens residing within the district or city, the trustees or board of education in each school district or city shall organize and conduct community centers for civic purposes, and civic forums in the several school districts and cities, to promote and advance principles of Americanization among the residents of the state. The trustees or board of education in each school district or city, when organizing such community centers or civic forums, shall provide funds for the maintenance and support of such community centers and civic forums,

and shall prescribe regulations for their conduct and supervision, provided that nothing herein contained shall prohibit the trustees of such school district or the board of education to prescribe and adopt rules and regulations to make such community centers or civic forums self-supporting as far as practicable. Such community centers and civic forums shall be at all times under the control of the trustees or board of education in each school district or city, and shall be nonexclusive and open to the general public. [*Amended by L.* 1913, *ch.* 221, *and L.* 1917, *ch.* 214, *in effect April* 19, 1917.]

§ 456. Condemnation of school-house and erection of new school-house in place thereof. 1. A school commissioner may make an order condemning a school-house, if he finds upon examination that such school-house is wholly unfit for use and not worth repairing. He shall deliver such order to a trustee of the district and transmit a copy thereof to the commissioner of education. He shall also state in such order the date on which it shall take effect and the sum which in his opinion will be necessary to erect a school building suitable to the needs of the district.

2. Immediately upon the receipt of said order, the trustees of such district shall call a special meeting of the voters of said district, to consider the question of building a new school-house therein. Such meeting shall have power to determine the size of said school-house, the material to be used in its erection, and to vote a tax to build the same. But such meeting shall have no power to reduce the estimate made by the commissioner aforesaid by more than twenty-five per centum of such estimate.

3. And where no tax for building such school-house shall have been voted by such district within thirty days from the time of holding the first meeting to consider the question, it shall be the duty of the trustees of such district to contract for the building of a school-house capable of accommodating the children of the district, and to levy a tax to pay for the same, which tax shall not exceed the sum estimated as necessary by the commissioner aforesaid, and which shall not be less than such estimated sum by more than twenty-five per centum thereof. But such estimated sum may be increased at any subsequent school meeting legally held in the district.

§ 457. Provision for outbuildings. 1. The trustees in the several school districts shall provide at least two suitable and

convenient water-closets or privies for each of the schools under their charge, which shall be entirely separated each from the other, and have separate means of access, and approaches thereto separated by a substantial close fence not less than seven feet in height. It shall also be the duty of trustees to keep such out buildings in a clean and wholesome condition.

2. The board of education of each union free school district and of a city shall provide and maintain at least two suitable and convenient water-closets or privies for each of the schools under their charge, and in conformity with the provisions of this section.

3. Any expense incurred by the trustees of a common school district in carrying out the requirements of this section shall be a charge upon the district, when such expense shall have been authorized by the school commissioner within whose district the school house is located, and a tax may be levied therefor without a vote of the school district. Any expense incurred by the board of education in carrying out the foregoing provisions shall be a charge upon the district or city and payable out of any of the contingent funds thereof; and a tax may be levied therefor without a vote of the district.

4. A failure on the part of the trustees or a board of education to comply with the provisions of this section shall be sufficient grounds for their removal from office and for withholding from the district or city its share of the public moneys of the state.

§ 458. When board of education may designate site without vote of district. A board of education in a union free school containing a population of five thousand or more may, without a vote of the qualified voters of said district, designate sites or additions thereto for school-houses.

§ 459. Change of site. No site of a school-house shall be changed unless a majority of the legal voters present and voting at a district meeting shall adopt a resolution designating a new site and describing such site by metes and bounds. Such resolution shall be adopted either by ballot or taking and recording the ayes and noes.

§ 460. Site, how designated. The designation of a site by any school district meeting shall be by written resolution containing a description thereof by metes and bounds, and such resolution must receive the assent of a majority of the qualified voters

present and voting at said meeting, to be ascertained by taking and recording the ayes and noes, or by ballot.

§ 461. Sale of former school-house or site. 1. Whenever the site of a school-house shall have been changed, as herein provided, the inhabitants of a district entitled to vote, lawfully assembled at any district meeting, shall have power, by a majority of the votes of those present, to direct the sale of the former site or lot, and the buildings thereon and appurtenances or any part thereof, at such price and upon such terms as they shall deem proper; and any deed duly executed by the trustees of such district, or a majority of them, in pursuance of such direction, shall be valid and effectual to pass all the estate or interest of such school district in the premises.

2. When a credit shall be directed to be given upon such sale for the consideration money, or any part thereof, the trustees are hereby authorized to take in their corporate name such security by bond and mortgage, or otherwise, for the payment thereof, as they shall deem best, and shall hold the same as a corporation, and account therefor to their successors in office and to the district, in the manner they are now required by law to account for moneys received by them; and the trustees of any such district and their successors may, in their name of office, sue for and recover the moneys due and unpaid upon any security so taken by them or their predecessors.

§ 462. Application of proceeds of sale. All moneys arising from any sale made in pursuance of the last preceding section, shall be applied to the expenses incurred in procuring a new site, and in removing or erecting thereon a school-house, and improving and furnishing such site and house, and their appurtenances, so far as such application shall be necessary; and the surplus, if any, shall be devoted to the purchase of school apparatus and the support of the school, as the voters of the district at any meeting shall direct.

§ 463. Acquisition of real property. Real property may be acquired in any school district and in any city except a city of the first or second class, for school purposes and for any other purpose for which such property may be acquired as provided in this chapter, as follows:

1. By gift, grant, devise or purchase.
2. By condemnation, if an agreement can not be made with the

owner for the purchase thereof. Such proceedings shall be instituted and conducted by the trustee or board of education, in the name of the district under the provisions of the condemnation law.

3. This section does not permit the acquisition by condemnation of less than the whole of a city or village lot with the erections and improvements thereon. [*Amended by L.* 1913, *ch.* 221.]

§ 464. When owner's consent necessary. The following property cannot be acquired without the consent of the owner:

1. A homestead occupied as such by the owner, except such portion thereof as may appear to the court to be unnecessary for the reasonable use and enjoyment of the homestead.

2. A garden, orchard or any part thereof, not within a city, which has existed for a period of one year prior to the beginning of the condemnation proceedings.

3. A yard or inclosure, or any part thereof, necessary to the use or enjoyment of buildings.

4. Fixtures or erections for the purpose of trade or manufacture, which have existed for a period of one year prior to the beginning of the condemnation proceedings. [*Amended by L.* 1911, *ch.* 782.]

§ 465. Vesting of title of lands in certain cases. Boards of education in cities of the third class are hereby clothed with all the powers of trustees, and the title to any and all lands acquired in any city under the provisions of section four hundred and sixty-three of this chapter shall vest in the board of education thereof, or such other corporate body as is by law vested with the title to the school lands in such city. But nothing herein contained shall be construed to limit or circumscribe the powers and duties heretofore lodged in such board of education by law.

§ 466. Application to certain districts. The provision of section four hundred and sixty-three of this article shall apply to union free school districts and to districts organized under special laws; and the trustees of such districts and the boards of education organized under special laws shall be and are hereby clothed with all the powers vested in trustees in the three preceding sections.

§ 467. School taxes and school bonds. 1. A majority of the voters of any school district, present at any annual or special district meeting, duly convened, may authorize such acts

and vote such taxes as they shall deem expedient for making additions, alterations, repairs or improvements, to the sites or buildings belonging to the district, or for the purchase of other sites or buildings, or for a change of sites, or for the purchase of land and buildings for agricultural, athletic, playground or social center purposes, or for the erection of new buildings, or for buying apparatus, implements, or fixtures, or for paying the wages of teachers, and the necessary expenses of the school, or for such other purposes relating to the support and welfare of the school as they may, by resolution, approve. [*Subdivision* 1 *amended by L.* 1913, *ch.* 221.]

2. On all propositions arising at said meetings involving the expenditure of money, or authorizing the levy of a tax in one sum or by instalments, the vote thereon shall be by ballot, or ascertained by taking and recording the ayes and noes of such qualified voters attending and voting at such meetings; and they may direct the moneys so voted to be levied in one sum, or by instalments.

3. No addition to or change of site or purchase of a new site or tax for the purchase of any new site or structure, or for the purchase of an addition to the site of any schoolhouse, or for the purchase of land and buildings for agricultural, athletic, playground or social center purposes, or for building any new schoolhouse or for the erection of an addition to any schoolhouse already built, shall be voted at any such meeting in a union free school district unless a notice by the board of education stating that such tax will be proposed, and specifying the object thereof and the amount to be expended therefor, shall have been given in the manner provided herein for the notice of an annual meeting. In a common school district the notice of a special meeting to authorize any of the improvements enumerated in this section shall be given as provided in section one hundred and ninety-seven. [*Subdivision* 3 *amended by L.* 1913, *ch.* 221.]

4. And whenever a tax for any of the objects hereinbefore specified shall be legally voted the board of trustees or board of education shall make out their tax list, and attach their warrant thereto, in the manner provided in article fifteen of this chapter, for the collection of school district taxes, and shall cause such taxes or such instalments to be collected at such times as they shall become due.

5. No vote to raise money shall be rescinded, nor the amount

thereof be reduced at any subsequent meeting, unless it be an adjourned meeting or a meeting called by regular and legal notice, which shall specify the proposed action, and at which the vote upon said proposed reduction or rescinding shall be taken by ballot or by taking and recording the ayes and noes of the qualified voters attending and voting thereat.

ARTICLE 17
School District Bonds

§ 480. Issuance of school district bonds. 1. For the purpose of giving effect to the provisions of section four hundred and sixty-seven of this chapter, trustees or boards of education are hereby authorized, whenever a tax shall have been voted to be collected in instalments, for the purpose of building a new schoolhouse, or building an addition to a schoolhouse, or making additions, alterations or improvements to buildings or structures belonging to the district or city, or for the purchase of a new site or for an addition to a site, or for the purchase of land or buildings for agricultural, athletic, playground, or social center purposes, to borrow so much of the sum voted as may be necessary, at a rate of interest not exceeding six per centum, and to issue bonds or other evidences of indebtedness therefor, which shall be a charge upon the district, and be paid at maturity, and which shall not be sold below par. [*Subdivision* 1 *amended by L.* 1913, *ch.* 221.]

2. Notice of the time and place of the sale of such bonds shall be given by the trustees or board of education at least ten days prior thereto by publication twice in two newspapers, if there be two, or in one newspaper if there be but one published in such district. But if no newspaper shall then be published therein, the said notice shall be posted in at least ten of the most public places in said district ten days before the sale.

3. It shall be the duty of the trustees or the persons having charge of the issue or payment of such indebtedness, to transmit a statement thereof to the clerk of the board of supervisors of the county in which such indebtedness is created, annually, on or before the first day of November.

4. When such bonds are sold by a union free school district whose boundaries are the same as the boundaries of an incorporated village or city, such bonds shall be signed by the president and clerk of the board of education and delivered to the treasurer

of such village or city who shall countersign them and give notice of the sale thereof in like manner as is provided for the notice of sale of bonds in subdivision two of this section. The proceeds of the sale of such bonds shall be paid into the treasury of said incorporated village or city, to the credit of the board of education.

5. When such bonds are sold by a common school district the payment or collection of the last instalment shall not be extended beyond twenty years from the time such vote was taken.

6. All of the provisions of the general municipal law relative to the method of the registry of municipal bonds and the conversion of coupon into registered bonds shall apply to bonds issued pursuant to the provisions of this section, except that the duties therein required to be performed by the clerk of a municipal corporation shall be performed by the clerk of the school district. [*Subdivision* 6 *added by L.* 1914, *ch.* 31.]

7. A trustee, board of education, qualified elector or taxpayer of a school district, a purchaser of school district bonds or other evidence of indebtedness issued and sold as provided in this section, or a person holding any of such bonds or evidences of indebtedness may institute a proceeding before the commissioner of education, in accordance with rules and regulations to be prescribed by him, for the purpose of ratifying and confirming the proceedings of a district meeting authorizing the levy and collection of a tax payable in instalments as provided in section four hundred and sixty-seven of this chapter, and the proceedings and official acts of a trustee, board of trustees or board of education of such district under this section, and for the purpose of legalizing and validating the bonds or other evidences of indebtedness of such district issued and sold under this section. If it appear to the satisfaction of the commissioner that the acts and proceedings of district officers and meetings pertaining to the levy and collection of taxes payable in instalments for the objects specified in such section four hundred and sixty-seven of this chapter, and of the trustees and boards of education and other district officers pertaining to the issuance and sale of such bonds, substantially complied with the provisions of this chapter, he shall render a decision ratifying and confirming such acts and proceedings, and may in a proper case issue an order directing that a tax be levied for the payment of the principal and interest of such bonds or other evidences of indebtedness. If there has been a fair expression of the will of the qualified electors of the district and it

appears that the action taken was not affected or prejudiced by defects in, or failure to give, the notice required by statute, or if it appears that the failure to take, or a defect in, any step in the acts or proceedings of district officers or meetings did not influence materially the result of such meetings, the commissioner may disregard such defects or failure and determine that there has been a substantial compliance with the statute. The decision of the commissioner of education in such proceeding shall have the same force and effect as a decision rendered by him in an appeal brought as provided in section eight hundred and eighty of this chapter. [*Subdivision* 7, *added by L.* 1917, *ch.* 413, *in effect May* 8, 1917.]

LEGALIZING SCHOOL BONDS; RATE OF INTEREST

[*Inserted by L.* 1911, *ch.* 769.]

ARTICLE 2-a

[*Inserted by L.* 1911, *ch.* 769.]

Legalizing Bonds or Proceedings for Issuance

Section 22. Legalizing proceedings.
23. Petition.
24. Notice of presentation of petition; filing; answer.
25. Hearing.
26. Determination of court.
27. Appeal.
28. Effect of determination.
29. Definitions.

§ 22. Legalizing proceedings. Proceedings heretofore or hereafter taken by a municipal corporation authorized by law to issue bonds, or by its officers, agents or voters, pursuant to a statute authorizing or requiring such proceedings, may be legalized and confirmed by the supreme court in the manner and with the effect provided by this article. A proceeding may be instituted hereunder for the purposes of legalizing and confirming such proceedings taken prior to the issuance and sale of such bonds, or for the purpose of legalizing and confirming such preliminary proceedings and also the issuance, sale and form of such bonds. Such a proceeding may be instituted by the officer or officers of such municipal corporation authorized or required by law to sell such bonds, or if the purpose of such proceeding also includes the legalizing and confirming of the proceedings in respect to the issuance, sale and form of such bonds, by any taxpayer of the municipal corporation or by a purchaser or holder of such bonds.

§ 23. Petition. The officer or person commencing such proceeding shall present a verified petition to a special term of the supreme court held within the judicial district in which such municipal corporation is wholly or partly situated, stating the statute under which it is proposed to issue such bonds

or under which such bonds were issued, the purpose thereof, the aggregate amount of bonds proposed to be issued or issued, the time when such bonds are payable, and all proceedings that have been taken by the municipal corporation, or by its officers, agents or voters, in respect to the issuance and sale of such bonds, and praying that such court shall investigate the law and facts in relation to such proceedings and determine whether such proceedings substantially complied with the statute under which it is proposed to issue and sell such bonds, or under which such bonds were issued and sold. Such petition may also state any particular in which the petitioner deems that such proceedings may not have complied with the statute under which it is proposed to issue and sell such bonds, or under which the same were issued and sold.

§ 24. Notice of presentation of petition; filing; answer. A notice stating the time and place of the presentation of such petition and briefly describing the proceedings sought to be legalized and confirmed shall be published at least twice in a newspaper, if any, published in the municipal corporation, or if no newspaper be published therein, in a newspaper published in the city, village or town nearest to such municipal corporation. Such publication shall be made at least twenty and not more than thirty days prior to the date of such hearing. Such notice shall also be posted in at least ten conspicuous public places in the municipal corporation. If such proceeding be instituted by a taxpayer, or a purchaser or holder of bonds which have been issued, such notice shall also be served upon the mayor of a city, the president of a village, the supervisor of a town, or the officer, board or commission authorized or required by law to sell such bonds, and upon any known purchaser or holder of such bonds. Such notice shall be so served personally or by mail at least twenty days before the date of such hearing and shall be accompanied by the petition proposed to be presented at such hearing, and at least ten days prior to such hearing such municipal corporation may serve on the petitioner a verified answer to such petition. If such proceeding be instituted by a municipal officer or officers, a copy of the petition proposed to be presented at the hearing shall be filed in the office of the officer or officers authorized or required by law to sell such bonds. At any time prior to such hearing a taxpayer of such municipality, or if such bonds have been issued, a holder or purchaser may file in such office a verified answer to such petition.

§ 25. Hearing. At the time of such hearing any taxpayer of the municipal corporation, or if such bonds have been issued, any holder or purchaser thereof may intervene and with the consent of the court be made a party thereto. Upon such hearing any party to such proceeding may appear, by counsel, and may produce and examine witnesses as to the proceedings taken in respect to the issue and sale of such bonds. Such witnesses shall be subject to cross-examination by any party appearing at such hearing.

The court may appoint a referee to take testimony in respect to the proceedings for the issuance and sale of such bonds and may otherwise require the parties thereto to produce proof, by affidavit or otherwise, of any facts which may tend to enable the court to make a full and complete determination in respect to the proceedings for the issuance and sale of such bonds.

§ 26. Determination of court. If, after such hearing and investigation, such court is satisfied that the statute under which such proceedings were taken authorized bonds to be issued by the municipal corporation for the aggregate amount for which it is proposed to issue the same, or for the amount of bonds issued and sold thereunder if such bonds have been already issued and sold, and that the proceedings taken by such municipal corporation, its officers, agents or voters, prior to the issuance and sale of such bonds, or including the issuance and sale of such bonds have been already issued, substantially complied with the statute under which it is proposed to issue such bonds, or under which such bonds were issued and sold, the court may, by order, legalize and confirm the proceedings taken prior to the issue and sale of such proposed bonds, or if such bonds have been issued, including the proceedings on the issuance and sale thereof and the form of the bonds issued thereunder, with the same force and effect as though all the provisions of law in relation to such proceedings and form had been strictly complied with. The court may determine that such statute was substantially complied with if it authorized the aggregate amount of bonds proposed to be issued or issued thereunder, that the proposition to issue such bonds was adopted at the election, if any, to which it was submitted or by the required vote of the meeting of the body or board to which it was submitted, and that such bonds, if issued and sold were sold at not less than par and at a rate of interest no greater than was authorized by the statute under which such bonds were issued, notwithstanding any irregularity or technicality in the form of proposition or resolution proposing or authorizing such issue, or in the notice of the election or of the meeting of the board or body adopting such resolution or authorization, or in the time or manner of service thereof, or in the conduct of the election or meeting at which such proposition or authorization was adopted, or in that such proposition was submitted more than once within one year or other shorter period than authorized by law, or, if such bonds have already been issued in the manner of issuance or sale thereof, or in the time or times of payment thereof, or notwithstanding any other technical or formal irregularity of like nature in such proceedings. If the court is satisfied that the proceedings for the issuance and sale of such bonds did not substantially comply with the statute under which it was proposed to issue and sell the same or under which the same were issued and sold, he may make an order accordingly specifying the particulars in which he deems that such proceedings failed to comply with such statute.

§ 27. Appeal. An appeal may be taken to the appellate division from the order of the supreme court legalizing and confirming such proceedings, or refusing to legalize and confirm the same. Such appeal must be taken within ten days after the entry of the order, by the service of the notice of appeal upon all the parties to such proceeding who appeared personally or by counsel at the hearing before the supreme court. The decision of the appellate division thereon shall be final.

§ 28. Effect of determination. If the order of the supreme court legalizes and confirms such proceedings, upon the expiration of the time to appeal therefrom if no appeal be taken, or upon the entry of the final order of the appel-

late division confirming such order of the supreme court, such proceedings, shall be deemed legalized and confirmed. If such proceeding was instituted to legalize and confirm proceedings prior to the issuance and sale of such bonds, the officer or officers of such municipal corporation authorized to issue such bonds may issue and sell the same accordingly, and the validity of such bonds shall not thereafter be in any manner questioned by reason of any defect or irregularity in such preliminary proceedings, and notwithstanding any such irregularity or defect shall be binding and legal obligations upon the municipal corporation issuing and selling the same. If such proceeding was instituted to legalize and confirm the proceedings for the issue and sale of bonds that were issued and sold at the time such proceeding was instituted, such bonds shall be valid and binding obligations upon the municipal corporation, in like manner, and the validity thereof shall not in any manner be questioned by reason of any irregularity or defect in the proceedings for the issue and sale of such bonds, or in the form thereof.

§ 29. **Definitions.** The term "municipal corporation" as used in this article includes a city, county, village, town, school district, sewer district, water district, lighting district or any other district or territory authorized by law to issue bonds.

The term "bonds" as used in this article includes bonds, corporate stock, certificates of indebtedness or any other obligations whereby a municipal corporation agrees to pay a stated sum of money.

§ 21. **Maximum rate of interest on municipal bonds.** If in any general or special law heretofore passed authorizing or requiring an issue of bonds by a municipal corporation, or by any department, board, commission, or officer thereof, a maximum rate of interest on the bonds to be issued thereunder be prescribed, the rate of interest on such bonds hereafter issued in pursuance of such general or special law may be fixed by the department, board, commission or officer charged by law with the duty of issuing such bonds at any rate not more than the legal rate of interest, notwithstanding the provisions of such general or special law prescribing a different maximum rate. The term "municipal corporation" as used in this section includes a city, county, village, town, school district, sewer district, water district, lighting district or any other district or territory authorized by law to issue bonds, and the term "bonds" includes bonds, corporate stock, certificates of indebtedness or any other obligation whereby a municipal corporation agrees to pay a stated sum of money. [*Added by L.* 1911, *ch.* 573.]

ARTICLE 18

School Moneys

Section 490. When apportioned and how applied.
491. Apportionment of moneys appropriated for the support of common schools.
492. Conditions under which cities and districts are entitled to an apportionment from the appropriation for the support of common schools.

Section 493. Apportionment of moneys appropriated to cities, academies, academic departments and school libraries.
494. Manner of certifying and paying apportionment provided for in preceding section.
495. County treasurers to render annual report.
496. Certificate of apportionment by commissioner of education.
497. Moneys apportioned, when and how payable.
498. Apportionment of school moneys by district superintendents.
499. Duty of and payment to supervisor.
500. Power of comptroller to withhold payment of school moneys.
501. Union free school district and city, a school district.
502. Apportionment for support of training classes.

§ 490. When apportioned and how applied. The amount annually appropriated by the legislature for the support of common schools shall be apportioned by the commissioner of education on or before the twentieth day of January in each year as hereinafter provided; and all moneys so apportioned shall be applied exclusively to the payment of teachers' salaries.

§ 491. Apportionment of moneys appropriated for the support of common schools. After setting apart therefrom for a contingent fund not more than ten thousand dollars, the commissioner of education shall apportion the money appropriated for the support of common schools:

1. To each city and to each union school district which has a population of five thousand and which employs a superintendent of schools, eight hundred dollars. This shall be known as a supervision quota.

2. To each district having an assessed valuation of twenty thousand dollars or less, two hundred dollars.

3. To each district having an assessed valuation of forty thousand dollars or less, but exceeding twenty thousand dollars, one hundred and seventy-five dollars.

4. To each district having an assessed valuation of sixty thousand dollars or less, but exceeding forty thousand dollars, and to each Indian reservation for each teacher employed therein for a period of one hundred and eighty days or more, one hundred fifty dollars. [*Subdivision* 4 *amended by L.* 1917, *ch.* 74, *in effect March* 20, 1917.]

5. To each of the orphan asylums which meet the conditions mentioned in article thirty-five of this chapter, one hundred and twenty-five dollars.

6. To each of the remaining districts and to each of the cities in the state one hundred twenty-five dollars. The apportionment provided for by subdivisions two, three, four, five and six shall be known as district quotas.

7. To each such district, city and orphan asylum for each additional qualified teacher and his successors by whom the common schools have been taught during the period of time required by law, one hundred dollars. The apportionment provided for by this subdivision shall be known as the teachers' quota.

8. To a school district or a city which has failed to maintain school for one hundred eighty days or which has employed an extra teacher for a shorter period than one hundred eighty days such part of a district or teacher's quota as seems to him equitable when the reason for such failure is in his judgment sufficient to warrant such action; but in case such failure to maintain a school in such district or city for a period of one hundred eighty days was caused by the prevalence of an infectious or contagious disease in the community, the commissioner may in his discretion apportion to such district or city full district and teachers' quotas. [*Subdivision* 8 *amended by L.* 1917, *ch.* 74, *in effect March* 20, 1917.]

9. To each separate neighborhood such sum as in his opinion it is equitably entitled to receive upon the basis of distribution established by this article.

10. All errors or omissions in the apportionment whether made by the commissioner of education or by the school commissioner shall be corrected by the commissioner of education. Whenever a school district has been apportioned less money than that to which it is entitled the commissioner of education may allot to such district the balance to which it is in his judgment entitled

and the same shall be paid from the contingent fund. Whenever a school district has been apportioned more money than that to which it is entitled the commissioner of education may, by an order under his hand, direct such moneys to be paid back into the hands of the county treasurer by him to be credited to the school fund, or he may deduct such amount from the next apportionment to be made to said district.

11. The commissioner of education may also in his discretion excuse the default of a trustee or a board of education in employing a teacher not legally qualified, legalize the time so taught and authorize the payment of the salary of such teacher.

§ 492. Conditions under which cities and districts are entitled to an apportionment from the appropriation for the support of common schools. 1. The commissioner of education shall make no allotment of a supervision quota to any city or district unless satisfied that such city or district employs a competent superintendent whose time is exclusively devoted to the supervision of the public schools of such city or district; nor shall he make any allotment to any district in the first instance without first causing an enumeration of the inhabitants to be made which shall show the population thereof to be at least five thousand, the expense of such enumeration, as certified by said commissioner, shall be paid by the district in whose interest it is made. The population shown by the last state or federal census or village enumeration may be accepted by said commissioner whenever the village and school district boundaries coincide.

2. No district shall be entitled to any portion of such school moneys on such apportionment unless the report of the trustees for the preceding school year shall show that a common school was supported in the district and taught by a qualified teacher or by successive qualified teachers for at least one hundred and eighty days, inclusive of legal holidays that may have occurred during the term of said school and exclusive of Saturdays. [*Subdivision* 2 *amended by L.* 1913, *ch.* 511.]

3. No Saturday shall be counted as part of said one hundred and eighty days of school and no school shall be in session on a legal holiday, except general election day, Washington's birthday and Lincoln's birthday. A deficiency not exceeding six days

during any school year caused by a teacher's attendance upon teachers conferences held by district superintendents of schools within a county, shall be excused by the commissioner of education. In common school districts the term of school shall begin each year on the first Tuesday of September. [*Former subdivision* 4; *renumbered subdivision* 3 *and amended by L.* 1913, *ch.* 511.]

§ 493. Apportionment of moneys appropriated to cities, academies, academic departments and school libraries. The commissioner of education shall apportion the money annually appropriated for the support of cities, academies, academic departments and school libraries in accordance with regulations established or to be established by him as follows:

1. To each city, union school district and nonsectarian academy maintaining an academic department, a quota of one hundred dollars for each such academic department maintained therein. This apportionment shall be known as the academic quota.

2. To each nonsectarian private academy an allowance equal to the amount raised from local sources but not to exceed two hundred fifty dollars annually for approved books, reproductions of standard works of art, and apparatus. [*Subdivision* 2 *amended by L.* 1914, *ch.* 216.]

3. To each city an allowance equal to the amount raised from local sources but not to exceed eighteen dollars and two dollars additional for each duly licensed teacher employed therein for the legal term, and two hundred fifty dollars for each academic department maintained by it for approved books, reproductions of standard works of art and apparatus. [*Subdivision* 3 *amended by L.* 1914, *ch.* 216.]

4. To each union free school district maintaining an academic department an allowance equal to the amount raised from local sources, but not to exceed two hundred sixty-eight dollars annually and two dollars additional for each teacher employed in said district for the legal term for approved books, reproductions of standard works of art and apparatus. [*Subdivision* 4 *amended by L.* 1914, *ch.* 216.]

5. To all other school districts an allowance equal to the amount raised from local sources but not to exceed eighteen dollars annually and two dollars additional for each duly licensed teacher

employed in said district for the legal term for approved books, reproductions of standard works of art, geographical maps, a globe and school apparatus. [*Subdivision* 5 *amended by L.* 1914, *ch.* 216.]

6. To each city and union school district maintaining an academic department, twenty dollars per year for at least thirty-two weeks' instruction or a proportionate amount if for eight weeks or more for each nonresident pupil attending the academic department of such school from districts not maintaining such academic departments and who shall be admitted to such academic departments without other expense for tuition than that provided herein. But pupils residing in districts not maintaining a four-year curriculum may be included in this apportionment after having completed the course of study prescribed for the school in the district in which they reside. In the apportionment to cities and union school districts whose customary charge for nonresident pupils is greater than the sum provided by this subdivision, the commissioner of education may permit the sum so apportioned to be applied upon such customary charge for such nonresident pupils, provided the balance of such customary charge shall be assumed by the school district in which such nonresident pupil is resident, and the payment thereof shall have been provided for at a school district meeting held in such district or the said balance shall have been paid by the parents or guardians of such pupils to the proper officer of the city or district maintaining the high school or academic department attended by such pupils. [*Subdivision* 6 *amended by L.* 1912, *ch.* 276; *L.* 1913, *ch.* 399, *and by L.* 1915, *ch.* 214.]

7. After the payment of the allowances herein provided for the balance shall be divided among the several cities, school districts and academies maintaining academic departments on the basis of aggregate days' attendance of academic pupils therein.

8. The commissioner shall set aside at the beginning of the fiscal year a sum which in his opinion will be sufficient to pay the allowances for books and apparatus herein provided before making the other apportionments as directed by this article. The allowance for books and apparatus shall be apportioned and paid as often during each year as the commissioner may determine. All other apportionments above provided for shall be made so far as possible during the month of October each year on the basis of the reports of the previous year.

9. To entitle a city, academy, academic department or school library to an apportionment from this fund the school authorities having control must render a satisfactory report for the preceding year to the commissioner of education before the twentieth day of September in each year unless such neglect is excused by the commissioner for sufficient reason. They must also have complied with all regents' laws and ordinances during the preceding academic year.

§ 494. Manner of certifying and paying apportionment provided for in preceding section. Payment from this fund shall be made to the county treasurer of each county for all schools located in such county, by the state treasurer on the warrant of the comptroller or the certificate of the commissioner of education. The commissioner of education immediately after making an apportionment shall certify, or cause to be certified, to the county treasurer of every county included in such apportionment, excepting those counties included within the territory of the city of New York, with respect to his county, the name of each academy, the number of each school district and the town in which it is situated and the name of each city to which money has been allotted and the amount allotted to each. The county treasurer shall, upon the receipt of such certificate and payment from the state treasurer, pay to the treasurer, if there be one, otherwise to the disbursing officer or collector of each school district, academy and city named in the certificate of the commissioner of education, the amount to which said district, academy or city is entitled as shown by such certificate. Any apportionment which shall be made to the city of New York shall be certified and paid to the chamberlain of the city of New York, and any apportionment which shall be made to any private academy situated within the territory of the city of New York, shall be certified and paid directly to the disbursing officer of the academy to which the apportionment is made. [*Amended by L.* 1912, *ch.* 77.]

§ 495. County treasurers to render annual report. The county treasurers of the state shall, upon the first day of October of each year and at such other times as the commissioner of education may require, make a report for the preceding year to the commissioner of education, showing the amount of money received by them from this fund and the school districts, cities or academies to which such money has been paid and the

amount paid to each, and the amount, if any, remaining in their hands unclaimed by any school district, city or academy together with any other fact relative to the disbursement of this fund which said commissioner may require.

§ 496. Certificate of apportionment by commissioner of education. As soon as possible after the making of any annual or general apportionment, the commissioner of education shall certify it, or cause it to be certified, to the county clerk, county treasurer, district superintendents, and city treasurer or chamberlain, in every county in the state; and if it be a supplemental apportionment, then to the county clerk, county treasurer and district superintendents of the county in which the school-house of the district concerned is situated. [*Amended by L.* 1912, *ch.* 77.]

§ 497. Moneys apportioned, when and how payable. At least one-half of the moneys so annually apportioned by the commissioner of education shall be payable on or before the first day of March and the remaining part of such moneys on or before the fifteenth day of May, in each year, next after such apportionment, to the treasurers of the several counties and the chamberlain of the city of New York, respectively; and the said treasurers and the chamberlain shall apply for and receive the same as soon as payable. The county treasurer shall pay to the city treasurer of each city and the treasurer of each union free school district having a population of five thousand or more inhabitants and in which a superintendent of schools has been appointed, situated within his county, all school moneys apportioned to such city or district as provided by sections four hundred and ninety-one, four hundred and ninety-two and six hundred and four of this chapter. [*Amended by L.* 1914, *ch.* 52.]

§ 498. Apportionment of school moneys by district superintendents. The district superintendent of schools shall, on or before the fifteenth day of February in each year, apportion the supervision, district and teachers' quotas to the several districts entitled thereto, within his supervisory district, as shown by the certificate of the commissioner of education to the said district superintendent. He shall procure from the supervisors of the towns in his district a transcript showing the unexpended moneys in their hands applicable to the payment of

teachers' salaries. The amounts in each supervisor's hands shal be charged as a partial payment of the sums apportioned to th town teachers' salaries.

He shall procure from the county treasurer a full list an statement of all payments to him of moneys for or on accoun of fines and penalties, or accruing from any other source, for th benefit of schools and of the towns or districts for whose benefi the same were received. Such of said moneys as belong to particular district, he shall set apart and credit to it; and such as belong to the schools of a town he shall set apart and credi to the schools in that town, and shall apportion them togethe with such as belong to the schools of the county as hereinafte provided for the payment of teachers' salaries.

He shall sign, in duplicate, a certificate, showing the amounts apportioned and set apart to each school district and part of a district, and the towns in which they were situated, and shall forthwith deliver one of said duplicates to the treasurer of the county and transmit the other to the commissioner of education.

He shall certify to the supervisor of each town, in his supervisory district the amount of school moneys apportioned to each district or part of a district of his town for teachers' wages. [*Amended by L.* 1913, *ch.* 130.]

§ 499. Duty of and payment to supervisor. On receiving the certificate of the school commissioners, each supervisor shall forthwith make a copy thereof for his own use, and deposit the original in the office of the clerk of his town; and the moneys so apportioned to his town shall be paid to him immediately on his compliance with the requirements of section three hundred and sixty-three of this chapter.

§ 500. Power of comptroller to withhold payment of school moneys. The comptroller may withhold the payment of any moneys to which any county may be entitled from the appropriation of the incomes of the school fund and the United States deposit fund for the support of common schools, until satisfactory evidence shall be furnished to him that all moneys required by law to be raised by taxation upon such county, for the support of schools throughout the state, have been collected and paid or accounted for to the state treasurer.

§ 501. Union free school district and city, a school district. Every union free school district and every city having an organized city system of schools shall, for all the purposes of

the apportionment, distribution, payment and withholding of school moneys, be regarded and recognized as a school district.

§ 502. Apportionment for support of training classes. The commissioner of education shall apportion the money annually appropriated for the support of training of teachers as follows:

1. To each academy and union free school district which has maintained a training class in accordance with the provisions of article thirty-one of this chapter and with the regulations prescribed by the commissioner of education, the sum of seven hundred dollars.

2. The balance of the money appropriated for such purpose shall be apportioned to the cities of the state which maintain training schools in accordance with the provisions of articles twenty and thirty-one of this chapter and with the regulations prescribed by the commissioner of education, ratably according to the aggregate attendance of the pupils regularly admitted to such training schools.

ARTICLE 19
Trusts for Schools; Gospel and School Lots

Section 520. Property to be held in trust for common schools.
521. Control and supervision of trusts for common schools.
522. Report of trusts to commissioner of education.
523. Report of supervisor regarding gospel or school lots.
524. Apportionment of gospel funds.
525. Authorization of apportionment of gospel funds.
526. Payment of apportionment of gospel funds.
527. Bond required of collector or treasurer.
528. Application of moneys.

§ 520. Property to be held in trust for common schools. Real and personal estate may be granted, conveyed, devised, bequeathed and given in trust and in perpetuity or otherwise, to the state, or to the regents or to the commissioner of education for the support or benefit of the common schools, within the state, or within any part or portion of it, or of any particular common schools within it; and to any county, or the school commissioners of any county, or to any city or any board of officers thereof, or to any school commissioner district or its commissioner.

or to any town, or supervisor of a town, or to any school district or its trustees, for the support and benefit of common schools within such county, city, school commissioner district, town or school district, or within any part or portion thereof respectively, or for the support and benefit of any particular common schools therein. No such grant, conveyance, devise or bequest shall be held void for the want of a named or competent trustee or donee, but where no trustee or donee, or an incompetent one is named, the title and trust shall vest in the people of the state, subject to its acceptance by the legislature, but such acceptance shall be presumed.

§ 521. Control and supervision of trusts for common schools. The legislature may control and regulate the execution of all such trusts; and the commissioner of education shall supervise and advise the trustees, and hold them to a regular accounting for the trust property and its income and interest at such times, in such forms, and with such authentications, as he shall, from time to time, prescribe.

§ 522. Report of trusts to commissioner of education. The common council of every city, the board of supervisors of every county, the trustees of every village, the supervisor of every town, the trustees of every school district, and every other officer or person who shall be thereto required by the commissioner of education shall report to him whether any, and if any, what trusts are held by them respectively, or by any other body, officer or person to their information or belief for school purposes, and shall transmit, therewith, an authenticated copy of every will, conveyance, instrument or paper embodying or creating the trust; and shall, in like manner, forthwith report to him the creation and terms of every such trust subsequently created.

§ 523. Report of supervisor regarding gospel or school lots. Every supervisor of a town shall report to the commissioner of education whether there be, within the town, any gospel or school lot, and, if any, shall describe the same, and state to what use, if any, it is put by the town; and whether it be leased, and, if so, to whom, for what term and upon what rents; and whether the town holds or is entitled to any land, moneys or securities arising from any sale of such gospel or school lot, and the investment of the proceeds thereof, or of the rents and income of such lots and investments, and shall report a full statement and account of such lands, moneys and securities.

§ 524. Apportionment of gospel funds. It shall be lawful for the supervisor of any town having money arising from the sale of gospel lands, and known as gospel funds, to apportion such funds among the several school districts of his respective town as hereinafter provided.

§ 525. Authorization of apportionment of gospel funds. 1. The town board of any town having a gospel fund of five hundred dollars or less may authorize the supervisor of the town to apportion such fund among the several school districts of the town.

2. The voters of any town having a gospel fund of more than five hundred dollars may at any regular or special town meeting authorize the supervisor of the town to apportion such fund among the several school districts of the town.

§ 526. Payment of apportionment of gospel funds. When such apportionment is authorized the supervisor shall pay to the collector, or if the district has a treasurer to the treasurer, of the several school districts of his town its pro rata share according to the aggregate school attendance of each school district in the preceding year.

§ 527. Bond required of collector or treasurer. The collector or the treasurer if the district has a treasurer, of each of such school districts shall execute and file with the supervisor of such town a bond of twice the amount of such apportionment with sufficient sureties, to be approved by such supervisor.

§ 528. Application of moneys. Such moneys shall be held by such collector or treasurer and paid upon the written order of the trustee of the district for such purposes as the annual or a special meeting of the district shall direct.

ARTICLE 20
Teachers and Pupils

Section 550. Qualification of teachers.
551. Minimum qualifications of teachers in primary and grammar schools.
552. Regulations governing certification of teachers.
553. Commissioner of education to issue certificates.
554. Endorsement of foreign certificates and diplomas.
555. Certification of teachers by local authorities.
556. Revocation of certificate by school commissioner.

Section 557. Unqualified teachers shall not be paid from school moneys.
558. Penalty for payment of unqualified teacher.
559. Teachers responsible for record books.
560. Verification of school register.
561. Contract with teacher.
562. Penalty for teachers' failure to complete contract.
563. Contract when teacher is related to trustee or member of board.
564. Individual liability of trustee.
565. Dismissal of teacher.
566. Teacher's salary payable as often as monthly.
567. Common schools free to resident pupils; tuition from nonresident pupils.
568. Removal of superintendents, teachers and employees for treasonable or seditious acts or utterances.

§ 550. Qualification of teachers. No person shall be employed or authorized to teach in the public schools of the state who is:

1. Under the age of eighteen years.

2. Not in possession of a teacher's certificate issued under the authority of this chapter or a diploma issued on the completion of a course in a state normal school of this state or in the state normal college.

3. Not a citizen.

A person now employed as a teacher, who is not a citizen, may continue in such employment provided he or she, within one year from the passage of this act, shall make application to become a citizen and within the time thereafter prescribed by law shall become a citizen. [*Amended by L.* 1918, *ch.* 158, *in effect April* 4, 1918.]

§ 551. Minimum qualifications of teachers in primary and grammar schools. No person shall hereafter be employed or licensed to teach in the primary and grammar schools of any city or school district authorized by law to employ a superintendent of schools who has not had successful experience in teaching for at least three years, or in lieu thereof has not completed:

1. A course in one of the state normal schools of this state prescribed by the commissioner of education.

2. An examination for and received a life state certificate issued in this state by a superintendent of public instruction or the commissioner of education.

3. A course of study in a high school or academy of not less than three years approved by the commissioner of education or from some institution of learning of equal or higher rank approved by the same authority, and who subsequently to the completion of such course has not graduated from a school for the professional training of teachers having a course of not less than two years approved by the commissioner of education or its equivalent.

§ 552. Regulations governing certification of teachers. The commissioner of education shall prescribe, subject to approval by the regents, regulations governing the examination and certification of teachers employed in all public schools of the state.

§ 553. Commissioner of education to issue certificates. The commissioner of education may issue:

1. A life state certificate upon examinations only which shall entitle its holder to teach for life in the public schools of the state without further examination.

2. Such other certificates as regents general rules shall prescribe.

3. A temporary license limited to a school district, school commissioner district or city for a period not to exceed one year.

§ 554. Endorsement of foreign certificates and diplomas. The commissioner of education may in his discretion endorse:

1. A diploma issued by a normal school of another state.

2. A certificate issued by the chief educational officer or state board of another state.

Such endorsement confers on the holder of such diploma or certificate the privileges conferred by law on the holder of a normal school diploma or state certificate issued in this state.

§ 555. Certification of teachers by local authorities. A school commissioner, a city superintendent of schools or such other authority of a city as may be designated by a special act or the city charter may issue such certificate as may be authorized by the regents general rules or by such special act or city charter.

§ 556. Revocation of certificate by school commissioner. A school commissioner shall examine any charge affecting the moral character of any teacher within his district, first giving such teacher reasonable notice of the charge, and an opportunity to defend himself therefrom; and if he find the charge sustained, he shall annul the teacher's certificate, by whomsoever granted, and declare him unfit to teach; and if the teacher holds a certificate of the commissioner of education or of a former superintendent of public instruction or a diploma of a state normal school, he shall notify the commissioner of education forthwith of such annulment and declaration.

§ 557. Unqualified teachers shall not be paid from school moneys. No part of the school moneys apportioned to a district shall be applied to the payment of the salary of an unqualified teacher, nor shall his salary, or any part thereof, be collected by a district tax except as provided in section four hundred and ninety-one of this chapter.

§ 558. Penalty for payment of unqualified teacher. Any trustee who applies or directs, or consents to the application of any district money to the payment of an unqualified teacher's salary, thereby commits a misdemeanor; and any fine imposed upon him therefor shall be for the benefit of the common schools of the district.

§ 559. Teachers responsible for record books. Teachers shall keep, prepare and enter in the books provided for that purpose, the school lists and accounts of attendance herein mentioned, and shall be responsible for their safekeeping and delivery to the clerk of the district at the close of their engagements or terms.

§ 560. Verification of school register. 1. Each teacher shall, by his oath or affirmation, verify his entries in the school register provided by the education department, and the entries shall constitute the school lists from which the average daily attendance shall be determined. Such oath or affirmation may be taken by the district clerk or trustee, but without charge.

2. A teacher shall not be entitled to his salary for the last month of a term until he shall have so made and verified such entries and the trustees shall not draw on the supervisor, collector or treasurer for any portion of his salary for such month until such oath or affirmation shall have been made.

§ 561. Contract with teacher. 1. All trustees of school districts or boards of education who shall employ any teacher to teach shall, at the time of such employment, make and deliver to such teacher, or cause to be made and delivered, a contract in writing, signed by them, or by some person duly authorized to represent them in the premises, in which the details of the agreement between the parties, and particularly the length of the term of employment, the amount of compensation and the time when such compensation shall be due and payable shall be clearly and definitely set forth.

2. No contract for the employment of a teacher in a district having three or more trustees shall be made for more than one year in advance or for a shorter time than ten weeks unless for the purpose of filling out an unexpired term of school.

3. No contract for the employment of a teacher in a district having a sole trustee shall be made to extend beyond the date of the expiration of the term of office of such trustee. A sole trustee of a school district shall have full power and authority to contract with teachers for the term for which he has been elected any time after the date of the annual meeting at which such trustee was elected.

4. Nor shall any trustee contract with any teacher whose certificate of qualifications shall not cover a period at least as long as that covered by the contract of service. [*Amended by L.* 1910, *ch.* 442.]

§ 562. Penalty for teacher's failure to complete contract. Any failure on the part of a teacher to complete an agreement to teach a term of school without good reason therefor shall be deemed sufficient ground for the revocation of the teacher's certificate.

§ 563. Contract when teacher is related to trustee or member of board. 1. No person who is related to any trustee by blood or marriage shall be employed as a teacher, except with the approval of two-thirds of the voters of such district present and voting upon the question at an annual or special meeting of the district.

2. No person who is related by blood or marriage to any member of a board of education shall be employed as a teacher by such board, except upon the consent of two-thirds of the members thereof to be determined at a board meeting and to be entered upon the proceedings of the board.

§ 564. Individual liability of trustee. Any person employed in disregard of section five hundred and sixty-one or of section five hundred and sixty-three shall have no claim for wages against the district, but may enforce the specific contract made against the trustees or board of education consenting to such employment as individuals.

§ 565. Dismissal of teacher. No teacher shall be removed during a term of employment unless for neglect of duty, incapacity to teach, immoral conduct, or other reason which, when appealed to the commissioner of education, shall be held by him sufficient cause for such dismissal.

§ 566. Teacher's salary payable as often as monthly. The salary of any teacher employed in the public schools of this state shall be due and payable at least as often as at the end of each calendar month of the term of employment.

§ 567. Common schools free to resident pupils; tuition from nonresident pupils. 1. A person over five and under twenty-one years of age is entitled to attend the public schools maintained in the district or city in which such person resides without the payment of tuition.

2. Nonresidents of a district, if otherwise competent, may be admitted into the school of a district or city, upon the consent of the trustees, or the board of education, upon terms prescribed by such trustees or board.

3. The school authorities of a district or city must deduct from the tuition of a nonresident pupil whose parent or guardian owns property in such district or city and pays a tax thereon for the support of the schools maintained in such district or city the amount of such tax.

§ 568. Removal of superintendents, teachers and employees for treasonable or seditious acts or utterances. A person employed as superintendent of schools, teacher or employee in the public schools, in any city or school district of the state, shall be removed from such position for the utterance of any treasonable or seditious word or words or the doing of any treasonable or seditious act or acts while holding such position. [*Added by L.* 1917, *ch.* 416, *in effect May* 8, 1917.]

SAVINGS BANKS IN SCHOOLS

Banking Law (*L.* 1914, *ch.* 369)

§ 279. Advertisements of unauthorized savings banks and the use of the word "savings" prohibited; exception as to school savings. 2. The principal or superintendent of any public school in the state of New York or any person designated for that purpose by the board of education or other school authority under which such school shall be, or the superintendent or other designated head of any philanthropic agency incorporated for philanthropic purposes, if such agency be so authorized by certificate of the superintendent of banks, may collect from time to time small amounts of savings from the pupils of said school, or from the children or persons under the direction or guidance of such philanthropic agency and deposit the same on the day of collection in some savings bank in the state or, in villages and cities in which there is no regularly established savings bank in any savings and loan association, trust company, state or national bank located in the state and having an interest department, and upon the subsequent establishment of a savings bank in such village or city the deposit of such moneys or the continuance of deposits in any savings and loan association, trust company, state or national bank previously used as a depository of school savings shall not be deemed a violation of the provisions of this section. The money so collected shall be placed to the credit of the respective pupils, children or persons from whom the money shall be collected, or if the amount collected at any one time shall be deemed insufficient for the opening of individual accounts, it shall be deposited in the names* of said principal, superintendent or head of such philanthropic agency or designated person, in trust to be by him eventually transferred to the credit of the respective pupils, children or persons to whom the same belongs. In the meantime, said principal, superintendent or head of such philanthropic agency or designated person shall furnish to the bank a list giving the names, signatures, addresses, ages, places of birth, parents' names and such other data concerning the respective pupils, children or persons as the savings bank may require, and it shall be lawful to use the words "system of school savings banks" or "school savings banks" or "thrift funds" in circulars, reports and other printed or written matter used in connection with the purposes of this section. [*L.* 1914, *ch.* 369, *as amended by L.* 1916, *ch.* 90, *in effect March* 30, 1916.]

ARTICLE 20-a

[*Article added by L.* 1913, *ch.* 627.]

Medical Inspection

Section 570. Medical inspection to be provided.
571. Employment of medical inspectors.
572. Pupils to furnish health certificates.
573. Examinations by medical inspectors.
574. Record of examinations; eye and ear tests.

* So in original.

Section 575. Existence of contagious diseases; return after illness.
576. Enforcement of law.
577. State medical inspection of schools.

§ 570. Medical inspection to be provided. Medical inspection shall be provided for all pupils attending the public schools in this state, except in cities of the first class, as provided in this article. Medical inspection shall include the services of a trained registered nurse, if one is employed, and shall also include such services as may be rendered as provided herein in examining pupils for the existence of disease or physical defects and in testing the eyes and ears of such pupils. [*Added by L.* 1913, *ch.* 627.]

§ 571. Employment of medical inspectors. The board of education in each city and union free school district, and the trustee or board of trustees of a common school district, shall employ, at a compensation to be agreed upon by the parties, a competent physician as a medical inspector, to make inspections of pupils attending the public schools in the city or district. If appointed by a board of education of a city such physician shall reside within the city. The physicians so employed shall be legally qualified to practice medicine in this state, and shall have so practiced for a period of at least two years immediately prior to such employment. Any such board or trustees may employ one or more school nurses, who shall be registered trained nurses and authorized to practice as such. Such nurses when so employed shall aid the medical inspector of the district and shall perform such duties for the benefit of the public schools as may be prescribed by such inspector.

A medical inspector or school nurse may be employed by the trustees or boards of education of two or more school districts, and the compensation of such inspector, and the expenses incurred in making inspections of pupils as provided herein, shall be borne jointly by such districts, and be apportioned among them according to the assessed valuation of the taxable property therein.

In cities and union free school districts having more than five thousand inhabitants, the board of education may employ such additional medical inspectors as may be necessary to properly inspect the pupils in the school in such cities and union free school district.

The trustees of a common school district or the board of education of a union free school district whose boundaries are coterminous with the boundaries of an incorporated village shall, in the employment of medical inspectors, employ the health officer of the town in which such common school district is located or the health officer of such union free school district, so far as may be advantageous to the interests of such district. [*Added by L.* 1913, *ch.* 627, *and amended by L.* 1916, *ch.* 182.]

§ 572. Pupils to furnish health certificates. A health certificate shall be furnished by each pupil in the public schools upon his entrance in such schools, and thereafter at the opening of such schools at the beginning of each school year. Each certificate shall be signed by a duly licensed physician who is authorized to practise medicine in this state, and shall describe the condition of the pupil when the examination was made, which shall not be more than thirty days prior to the presentation of such certificate, and state whether such pupil is in a fit condition of bodily health to permit his or her attendance at the public schools. Such certificate shall be submitted within thirty days to the principal or teacher having charge of the school and shall be filed with the clerk of the district. If such pupil does not present a health certificate as herein required, the principal or teacher in charge of the school shall cause a notice to be sent to the parents of such pupil that if the required health certificate is not furnished within thirty days from the date of such notice, an examination will be made of such pupil as provided herein. [*Added by L.* 1913, *ch.* 627.]

§ 573. Examinations by medical inspectors. Each principal or teacher in charge of a public school shall report to the medical inspector having jurisdiction over such school the names of all pupils who have not furnished health certificates as provided in the preceding section, and the medical inspector shall cause such pupils to be separately and carefully examined and tested to ascertain whether any of them are suffering from defective sight or hearing, or from any other physical disability tending to prevent them from receiving the full benefit of school work, or requiring a modification of such work to prevent injury to the pupils or to receive the best educational results. If it be ascertained upon such test or examination that any of such pupils are inflicted with defective sight or hearing or other physical disability as above described the principal or teacher, having charge

of such school, shall notify the parents or other persons with whom such pupils are living, as to the existence of such defects and physical disability. If the parents or guardians are unable or unwilling to provide the necessary relief and treatment for such pupils, such fact shall be reported by the principal or teacher to the medical inspector, whose duty it shall be to provide relief for such pupils. [*Added by L.* 1913, *ch.* 627.]

§ 574. Record of examinations; eye and ear tests. Medical inspectors or principals and teachers in charge of public schools shall make eye and ear tests of the pupils in such schools, at least once in each school year. The state commissioner of health shall prescribe the method of making such tests, and shall furnish general instruction in respect to such tests. The commissioner of education, after consultation with the state commissioner of health, shall prescribe and furnish to the school authorities suitable rules of instruction as to tests and examinations made as provided in this article, together with test cards, blanks, record books and other useful appliances for carrying out the purposes of this article. The commissioner of education shall provide for pupils in the normal schools, city training schools and training classes instruction and practice in the best methods of testing the sight and hearing of children. [*Added by L.* 1913, *ch.* 627.]

§ 575. Existence of contagious diseases; return after illness. Whenever upon investigation a pupil in the public schools shows symptoms of smallpox, scarlet fever, measles, chickenpox, tuberculosis, diphtheria, influenza, tonsilitis, whooping cough, mumps, scabies or trachoma, he shall be excluded from the school and sent to his home immediately, in a safe and proper conveyance, and the health officer of the city or town shall be immediately notified of the existence of such disease. The medical inspector shall examine each pupil returning to a school without a certificate from the health officer of the city or town, or the family physician, after absence on account of illness or from unknown cause.

Such medical inspectors may make such examinations of teachers, janitors and school buildings as in their opinion the protection of the health of the pupils and teachers may require. [*Added by L.* 1913, *ch.* 627.]

§ 576. Enforcement of law. It shall be the duty of the commissioner of education to enforce the provisions of this article,

and he may adopt such rules and regulations not inconsistent herewith, after consultation with the state commissioner of health, for the purpose of carrying into full force and effect the objects and intent of this article.

He may, in his discretion, withhold the public money from a district which wilfully refuses or neglects to comply with this article, and the rules and regulations made hereunder. [*Added by L.* 1913, *ch.* 627.]

§ 577. State medical inspection of schools. The commissioner of education shall appoint a competent physician who has been in the actual practice of his profession for a period of at least five years, as state medical inspector of schools. The state medical inspector of schools, under the supervision of the commissioner of education, shall perform such duties as may be required for carrying out the provisions of this article. The said medical inspector shall be appointed in the same manner as other employees of the education department. [*Added by L.* 1913, *ch.* 627.]

NOTE.— The following provisions of the Public Health Law (L. 1909, ch. 49) relate to the vaccination of school children:

§ 310. Vaccination of school children. 1. A child or person not vaccinated shall not be admitted or received into a school in a city of the first or second class. The board, officers or other person having the charge, management or control of such school shall cause this provision of law to be enforced. The board of health or other board, commission or officers of such city having jurisdiction of the enforcement of the chapter therein shall provide, at the expense of the city for the vaccination of all pupils of such school whose parents or guardian do not provide vaccination for them.

2. Whenever smallpox exists in any other city or school district, or in the vicinity thereof, and the State Commissioner of Health shall certify in writing to the school authorities in charge of any school or schools in such city or district, it shall become the duty of such school authorities to exclude from such schools every child or person who does not furnish a certificate from a duly licensed physician to the effect that he has successfully vaccinated such child or person with the vaccine virus in the usual manner or that such child or person shows evidence by scar of a successful previous vaccination. Whenever school authorities having the charge, management and control of schools in a district or city cause this provision of law to be enforced, the local board of health shall provide for the vaccination of all children whose parents or guardian do not provide such vaccination.

3. The expense incurred, when such vaccination is performed under the direction of the local health authorities, shall be a charge upon the municipality in which the child or person vaccinated resided, and shall be audited and paid in the same manner as other expenses incurred by such municipality are audited and paid. The local boards of health or other health authorities may, in their discretion, provide for the payment of additional compensation

to health officers performing such vaccination.* [*Amended by L.* 1915, *ch.* 133, *in effect March* 30, 1915.]

§ 311. Vaccination; how made; reports. 1. No person shall perform vaccination for the prevention of smallpox who is not a regularly licensed physician under the laws of the state. Vaccination shall be preformed* in such manner only as shall be prescribed by the state commissioner of health.

2. No physician shall use vaccine virus for the prevention of smallpox unless such vaccine virus is produced under license issued by the secretary of the treasury of the United States and is accompanied by a certificate of approval by the state commissioner of health, and such vaccine virus shall then be used only within the period of time specified in such approval.

3. Every physician performing a vaccination shall within ten days make a report to the state commissioner of health upon a form furnished by such commissioner setting forth the full name and age of the person vaccinated and, if such person is a minor, the name and address of his parents, the date of vaccination, the date of previous voccination* if possible, the name of the maker of the vaccine virus and the lot or batch number of such vaccine virus [*Amended by L.* 1915, *ch.* 133, *in effect March* 30, 1915.]

ARTICLE 20-B

(*Added by L.* 1917, *ch.* 553, *in effect May* 18, 1917.)

Children with Retarded Mental Development

§ 578. Children with retarded mental development. 1. The board of education of each city and of each union free school district, and the board of trustees of each school district shall, within one year from the time this act becomes effective, ascertain, under regulations prescribed by the commissioner of education and approved by the regents of the university, the number of children in attendance upon the public schools under its supervision who are three years or more retarded in mental development.

2. The board of education of each city and of each union free school district in which there are ten or more children three years or more retarded in mental development shall establish such special classes of not more than fifteen as may be necessary to provide instruction adapted to the mental attainments of such children.

3. The board of education of each city and of each union free school district, and the board of trustees of each school district which contains less than ten such children may contract with the board of education of another city or school district for the education of such children in special classes organized in the schools of the city or district with which such contract is made. [*Added by L.* 1917, *ch.* 553, *in effect May* 18, 1917.]

* So in original.

ARTICLE 21
Contract System

Section 580. District meeting to authorize contract system.
581. District or city with which such contract may be made.
582. Trustees or boards of education may contract to receive such children.
583. Form of contract.
584. Validity of contract.
585. Apportionment to contracting district.
586. Report of pupils from other districts.

§ 580. District meeting to authorize contract system. Any school district may decide by a majority vote of the qualified voters present and voting at any district meeting:

1. To contract for the education of all the children of such district in another district or in a city instead of maintaining a home school;

2. To contract for the education of part of the children of such district in another district or in a city and maintain a home school.

§ 581. District or city with which such contract may be made. 1. Such contract may be made with one or more districts or cities. The district meeting authorizing such contract may designate the districts or cities with which such contracts may be made.

2. If the district meeting fails to make such designation or if any district or city so designated refuses to make such contract, the trustees of the district authorizing such contract may enter into a contract with a district willing to make such contract.

§ 582. Trustees or boards of education may contract to receive such children. The trustees or board of education of any district or city may enter into a contract to receive and educate in the schools of such district or city the children of any district which shall authorize its trustees to contract for the education of its children as provided by section five hundred and eighty of this chapter.

§ 583. Form of contract. Such contract shall be written and in the form prescribed by the commissioner of education.

§ 584. Validity of contract. Such contract shall not be valid or binding upon either party thereto until a copy thereof is filed with the commissioner of education and approved by such commissioner.

§ 585. Apportionment to contracting district. 1. Whenever the period of time which a district contracts for the education of its children or such period together with the time school is actually taught in said district shall amount to one hundred and sixty days and the contract shall include all the children of school age in such district, such district shall be entitled to receive one district quota.

2. Whenever a district maintains a home school and contracts for the education of at least twelve of its children in another district or city, it shall be entitled to one teacher's quota in addition to its district quota.

3. No school district operating under the contract system shall receive a greater apportionment than the total expense incurred in payment of tuition and transportation of pupils as shown by the report of the trustee to the school commissioner.

4. Whenever a district contracts with another district or a city and such district or city maintains a high school or an academic department, and whenever the expense of the tuition and transportation for the elementary children of said district shall exceed two hundred and fifty dollars, the tuition of the academic pupils attending such high school or academic pupils from such contracting district may be paid by the state as provided by section four hundred and ninety-three of this chapter. [*Subdivision* 4 *added by L.* 1915, *ch.* 194.]

§ 586. Report of pupils from other districts. The children attending a school under any such contract shall be reported to the commissioner of education by the trustees or board of education of the district or city wherein such children attend school as though they were residents of such city or school district.

ARTICLE 22

General Industrial Schools, Trade Schools, and Schools of Agriculture, Mechanic Arts and Homemaking

Section 600. General industrial schools, trade schools, and schools of agriculture, mechanic arts and homemaking, may be established in cities

Section 601. Establishment of such schools; directors of agriculture mechanic arts and homemaking.
602. Appointment of an advisory board.
603. Authority of the board of education over such schools.
604. State aid for general industrial schools, trade schools, and schools of agriculture, mechanic arts and home making.
605. Application of such moneys.
606. Annual estimate by board of education and appropriations by municipal and school districts.
607. Courses in schools of agriculture for training of teachers.

§ 600. General industrial schools, trade schools and schools of agriculture, mechanic arts and homemaking, may be established in cities. The board of education of any city, and in a city not having a board of education the officer having the management and supervision of the public school system, may establish, acquire, conduct and maintain as a part of the public school system of such city the following:

1. General industrial schools open to pupils who have completed the elementary school course or who have attained the age of fourteen years, and

2. Trade schools open to pupils who have attained the age of sixteen years and have completed either the elementary school course or a course in the above mentioned general industrial school or who have met such other requirements as the local school authorities may have prescribed; and

3. Schools of agriculture, mechanic arts and homemaking, open to pupils who have completed the elementary school course or who have attained the age of fourteen, or who have met such other requirements as the local school authorities may have prescribed; and

4. Part-time or continuation schools in which instruction shall be given in the trades and in industrial, agricultural and homemaking subjects, and which shall be open to pupils over fourteen years of age who are regularly and lawfully employed during a part of the day in any useful employment or service, which subjects shall be supplementary to the practical work carried on in such employment or service.

5. Evening vocational schools in which instruction shall be given in the trades and in industrial, agricultural and homemaking subjects, and which shall be open to pupils over sixteen years of age, who are regularly and lawfully employed during the day and which provide instruction in subjects related to the practical work carried on in such employment; but such evening vocational schools providing instruction in homemaking shall be open to all women over sixteen years of age who are employed in any capacity during the day.

The word "school," as used in this article, shall include any department or course of instruction established and maintained in a public school for any of the purposes specified in this section. [*Amended by L.* 1913, *ch.* 747.]

Federal aid.— An act was passed by Congress, approved February 23, 1917, entitled "An act to provide for the promotion of vocational education; to provide for co-operation with the states in the promotion of such education in agriculture and the trades and industries; to provide for co-operation with the states in the preparation of teachers of vocational subjects, and to appropriate money and regulate its expenditure." This act appropriated an annual amount which will reach an annual maximum of $7,000,000 in 1926 to be apportioned among the states which accept the conditions under which the apportionment is to be made and provide some official body or officer to co-operate with the federal authorities in carrying into effect the provisions of the act. The act creates officers whose duty it will be to prescribe the instruction to be given in vocational subjects and to aid and encourage the states in promoting vocational education. The state legislature enacted the following act accepting the terms and provisions of the Federal Act:

L. 1917, chap. 576.—An act to provide for the acceptance of the benefits of an act passed by the senate and house of representatives of the United States of America, in congress assembled, to provide for the promotion of vocational education.

Section 1. The state of New York hereby accepts all of the provisions and the benefits of an act passed by the senate and house of representatives of the United States of America, in congress assembled, entitled "An act to provide for the promotion of vocational education; to provide for co-operation with the states in the promotion of such education in agriculture and the trades and industries; to provide for co-operation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February twenty-third, nineteen hundred and seventeen.

§ 2. The state treasurer is hereby constituted and appointed the custodian of the moneys paid to the state of New York for vocational education, under the provisions of such act, and such moneys shall be paid out in the manner provided by such act for the purposes therein specified.

§ 3. The regents of the university of the state of New York are hereby designated as the state board for the purpose of carrying into effect the pro-

visions of such act, and are hereby authorized and directed to co-operate with the federal board of vocational education in the administration and enforcement of its provisions, and to perform such official acts and exercise such powers as may be necessary to entitle the state to receive its benefits.

§ 4. This act shall take effect immediately.

§ 601. Establishment of such schools; directors of agriculture, mechanic arts and homemaking. The board of education of any union free school district shall also establish, acquire and maintain such schools for like purposes whenever such schools shall be authorized by a district meeting. The trustees or board of trustees of a common school district may establish a school or a course in agriculture, mechanic arts and homemaking, when authorized by a district meeting. The board of education of a city, town or union free school district, not maintaining a school of agriculture, mechanic arts and homemaking, may employ a director of agriculture. The boards of education or trustees of two or more districts or towns may by joint contract employ such a director and determine in such contract as to the portion of the compensation which is to be paid by each district. The qualifications of a person employed as such director shall be prescribed by the commissioner of education, as provided by law in respect to teachers employed in public schools of the state. [*Amended by L.* 1913, *ch.* 747, *and L.* 1917, *ch.* 560, *in effect May* 18, 1917.]

§ 602. Appointment of an advisory board. 1. The board of education in a city and the officer having the management and supervision of the public school system in a city not having a board of education shall appoint an advisory board of five members representing the local trades, industries, and occupations. In the first instance two of such members shall be appointed for a term of one year and three of such members shall be appointed for a term of two years. Thereafter as the terms of such members shall expire the vacancies caused thereby shall be filled for a full term of two years. Any other vacancy occurring on such board shall be filled by the appointing power named in this section for the remainder of the unexpired term.

2. It shall be the duty of such advisory board to counsel with and advise the board of education or the officer having the management and supervision of the public school system in a city not having a board of education in relation to the powers and duties vested in such board or officer by section six hundred and three of this chapter.

§ 603. Authority of the board of education over such schools. The board of education in a city and the officer having the management and supervision of the public school system in a city not having a board of education and the board of education in a union free school district in which city or district a general industrial school, a trade school, a school of agriculture, mechanic arts and homemaking, or a part-time or continuation school, or an evening vocational school is established as provided in this article, is vested with the same power and authority over the management, supervision and control of such school and the teachers or instructors employed therein as such board or officer now has over the schools and teachers under their charge. Such boards of education or such officer shall also have full power and authority:

1. To employ competent teachers or instructors.
2. To provide proper courses of study.
3. To purchase or acquire sites and grounds and to purchase, acquire, lease or construct and to repair suitable shops or buildings and to properly equip the same.
4. To purchase necessary machinery, tools, apparatus and supplies. [*Amended by L.* 1913, *ch.* 747.]

§ 604. State aid for general industrial schools, trade schools, and schools of agriculture, mechanic arts and homemaking. 1. The commissioner of education in the annual apportionment of the state school moneys shall apportion therefrom to each city and union free school district for each general industrial school, trade school, part-time or continuation school or evening vocational school, maintained therein for thirty-six weeks during the school year and employing one teacher whose work is devoted exclusively to such school, and having an enrolment of at least fifteen pupils and maintaining an organization and a course of study, and conducted in a manner approved by him, a sum equal to two-thirds of the salary paid to such teacher, but not exceeding one thousand dollars.

2. He shall also apportion in like manner to each city, union free school district or common school district for each school of agriculture, mechanic arts and homemaking, maintained therein for thirty-six weeks during the school year, and employing one teacher whose work is devoted exclusively to such school, and having an enrolment of at least fifteen pupils and maintaining an organization and course of study and conducted in a manner

approved by him, a sum equal to two-thirds of the salary paid to such teacher. Such teacher may be employed for the entire year, and during the time that the said school is not open shall be engaged in performing such educational services as may be required by the board of education or trustees, under regulations adopted by the commissioner of education. Where a contract is made with a teacher for the entire year and such teacher is employed for such period, as herein provided, the commissioner of education shall make an additional apportionment to such city or district of the sum of two hundred dollars. But the total amount apportioned in each year on account of such teacher shall not exceed one thousand dollars.

3. The commissioner of education shall also make an additional apportionment to each city and union free school district for each additional teacher employed exclusively in the schools mentioned in the preceding subdivisions of this section for thirty-six weeks during the school year, a sum equal to one-third of the salary paid to each such additional teacher, but not exceeding one thousand dollars for each teacher.

4. The commissioner of education shall also apportion in like manner to each city, town and school district employing, or joining in the employment of, a director of agriculture, as authorized by section six hundred and one of this chapter, and establishing, maintaining and conducting an organization and course of instruction in such subject, approved by the commissioner of education, a sum equal to one-half of the salary paid to such director by such city, town or district, or by two or more of such towns or districts, not exceeding in each year the sum of six hundred dollars for each director employed. Where the apportionment is made on account of a director employed by two or more towns or districts, it shall be apportioned to such towns or districts in accordance with the proportionate amount paid by each of such towns or districts under the contract made with such director.

5. The commissioner of education, in his discretion, may apportion to a district or city maintaining such schools or employing such teachers for a shorter time than thirty-six weeks, or for a less time than a regular school day, an amount pro rata to the time such schools are maintained or such teachers are employed. This section shall not be construed to entitle manual training high schools or other secondary schools maintaining manual training departments, to an apportionment of funds herein provided for.

Any person employed as teacher as provided herein may serve as principal of the school in which the said industrial or trade school or course, or school or course of agriculture, mechanic arts and homemaking, is maintained. [*Amended by L.* 1913, *ch.* 747, *and L.* 1917, *ch.* 560, *in effect May* 18, 1917.]

§ 605. Application of such moneys. All moneys apportioned by the commissioner of education for schools under this article shall be used exclusively for the payment of the salaries of teachers employed in such schools in the city or district to which such moneys are apportioned. [*Amended by L.* 1913, *ch.* 747.]

§ 606. Annual estimate by board of education and appropriations by municipal and school districts.

1. The board of education of each city or the officer having the management and supervision of the public school system in a city not having a board of education shall file with the common council of such city, within thirty days after the commencement of the fiscal year of such city, a written itemized estimate of the expenditures necessary for the maintenance of its general industrial schools, trade schools, schools of agriculture, mechanic arts and homemaking, part-time or continuation schools or evening vocational schools, and the estimated amount which the city will receive from the state school moneys applicable to the support of such schools. The common council shall give a public hearing to such persons as wish to be heard in reference thereto. The common council shall adopt such estimate and, after deducting therefrom the amount of state moneys applicable to the support of such schools, shall include the balance in the annual tax budget of such city. Such amount shall be levied, assessed and raised by tax upon the real and personal property liable to taxation in the city at the time and in the manner that other taxes for school purposes are raised. The common council shall have power by a two-thirds vote to reduce or reject any item included in such estimate.

2. The board of education in a union free school district which maintains a general industrial school, trade school, a school of agriculture, mechanic arts and homemaking, part-time or continuation schools or evening vocational schools, shall include in its estimate of expenses pursuant to the provisions of sections three hundred and twenty-three and three hundred and twenty-seven of this chapter the amount that will be required to maintain such schools after applying toward the maintenance thereof

the amount apportioned therefor by the commissioner of education. Such amount shall thereafter be levied, assessed and raised by tax upon the taxable property of the district at the time and in the manner that other taxes for school purposes are raised in such district. [*Amended by L.* 1913, *ch.* 747.]

§ 607. Courses in schools of agriculture for training of teachers. The state schools of agriculture at Saint Lawrence University, at Alfred University and at Morrisville may give courses for the training of teachers in agriculture, mechanic arts, domestic science or homemaking, approved by the commissioner of education. Such schools shall be entitled to an apportionment of money as provided in section six hundred and four of this chapter for schools established in union free school districts. Graduates from such approved courses may receive licenses to teach argiculture, mechanic arts and homemaking in the public schools of the state, subject to such rules and regulations as the commissioner of education may prescribe.

ARTICLE 22-A

[*Article added by L.* 1915, *ch.* 307.]

Farm Schools in Counties

Section 610. Establishment of farm schools.
611. Acquisition of lands and erection of buildings.
612. Board of managers.
613. Powers and duties of board.
614. Powers of superintendent; discipline of school.
615. Course of instruction.
616. State aid.
617. Children admitted to such school.
618. Agreements with parents and guardians to pay expense of maintenance; compulsory support.
619. Maintenance by county.
619-a. Reports to board of supervisors; inspection.
619-b. Powers of commissioner of education and state department of education.

§ 610. Establishment of farm schools. The board of supervisors of any county outside of the city of New York may adopt a resolution by a majority vote of the members of the board establishing a farm school for the purpose of giving instruction

in the trades and in industrial, agricultural and homemaking subjects to children of the county not more than eighteen nor less than eight years of age who may be admitted thereto as provided by law. [*Added by L.* 1915, *ch.* 307.]

§ 611. Acquisition of lands and erection of buildings. Upon the adoption of the resolution as provided in the foregoing section the board of supervisors shall purchase land in some conveniently accessible place in the county to be used for the purpose of such school. They may acquire such land by gift, purchase or condemnation. The land when so acquired shall be held in the name of the county for the benefit of such school. Upon the acquisition of such land the board of supervisors shall erect the necessary buildings and suitably equip them for use. Such board may also provide for the improvement of existing buildings and make such repairs and alterations on the buildings upon the land used for the purpose of the school as may be necessary for the maintenance and operation thereof. [*Added by L.* 1915, *ch.* 307.]

§ 612. Board of Managers. The board of managers of such school shall consist of not less than five members and shall be composed of all the city, village and district superintendents of schools of the county in which it is located, in addition to such other members as may be necessary to make a total membership of such board of not less than five. Such additional members of the board shall be appointed by the board of supervisors from the resident taxpayers of the county, who shall serve for terms of four years commencing on the first day of January succeeding their appointment. Such terms shall be so arranged that the terms of no two of the members so appointed shall expire in the same year, and for this purpose the terms of the members first appointed hereunder shall be as follows: In case one member shall be appointed, the term shall be four years, in case two members shall be appointed, the terms shall be four and two years, respectively, in case three members shall be appointed, the terms shall be four, three and two years, and in case four members shall be appointed, the terms shall be four, three, two and one year, respectively, which terms shall commence on the first day of January succeeding their appointment, and their successors shall be appointed for full terms of four years as above provided. Appointments to fill vacancies shall be for the unexpired portion of the terms. The members of the board shall serve without compensation. They shall receive their necessary expenses in-

curred in the performance of their duties. The amount of such expenses shall be charged against the county and shall be paid in the same manner as other county charges. The board shall organize by the election of one of its members as chairman and another as secretary. [*Added by L.* 1915, *ch.* 307.]

§ 613. Powers and duties of board. The board of managers of such school shall be responsible for the operation and maintenance of the school; employ a superintendent and such teachers and assistants as may be required for the operation and maintenance of the school when authorized so to do by the board of supervisors of the county; fix the compensation of such superintendent, teachers and assistants within the amount made available therefor by the said board of supervisors; prescribe rules and regulations for the management of the school and for the purpose of carrying into effect the object thereof; provide for the detention, maintenance and instruction of all children who are admitted to the school. [*Added by L.* 1915, *ch.* 307.]

§ 614. Powers of superintendent; discipline of school. The superintendent of the school shall, subject to the regulations of the board of managers:

1. Have the general management of the school and the land, buildings and equipment thereof, and devote his entire time to its affairs;

2. Be responsible for the welfare of pupils of the school and see that the regulations and directions of the board of managers are carried into effect;

3. Supervise and direct the methods of instruction and the performance of duties by the teachers, assistants and employees of such school;

4. Prescribe rules for the government and discipline of the pupils of the school and cause such rules to be enforced;

5. Protect and care for the property of the school;

6. Give special attention to the proper instruction, detention, restraint, discipline, comfort and physical and moral welfare of the pupils of the school, and perform such other duties as may be required of him by the board of managers, with a view of carrying out of the purposes of this article. [*Added by L.* 1915, *ch.* 307.]

§ 615. Course of instruction. The board of managers shall prescribe the courses of instruction to be followed in such school, subject to the approval of the commissioner of education. Such instruction shall include instruction in agriculture, mechanic arts, trades and homemaking. The provisions of this

chapter and of the regulations of the education department relating to vocational instruction in the public schools shall apply to such school so far as they do not conflict with the provisions of this article and may be made applicable thereto. [*Added by L.* 1915, *ch.* 307.]

§ 616. State aid. There shall be annually apportioned to such school from the moneys appropriated by the state legislature for the support of the public schools of the state the sum of one thousand dollars and an additional sum of two hundred dollars for each teacher employed therein for a period of thirty-six weeks during each school year, whose entire time is given to the instruction of pupils in such school. No such apportionment shall be made unless there are at least fifteen pupils enrolled and actually in attendance at such school during such period of thirty-six weeks, and unless such school maintains an organization and a course of study and is conducted in a manner approved by the commissioner of education. [*Added by L.* 1915, *ch.* 307.]

§ 617. Children admitted to such school. Children not more than eighteen nor less than eight years of age may be admitted to or received in such school, either (1) upon the application of the parents or guardians having the legal custody or control of such children, accompanied by the written consent of such parents or guardians, or (2) upon commitment thereto as truants or incorrigible pupils as provided in section six hundred and thirty-five of this chapter, or (3) upon commitment thereto as juvenile delinquents as provided by law, provided that children convicted of crime shall not be committed to such school. Children who have no homes or who are without proper parental control or who are under improper guardianship may be sent to and received in such school, in the same manner and under the same authority as in case of other children who are improperly provided for at home. [*Added by L.* 1915, *ch.* 307.]

§ 618. Agreements with parents and guardians to pay expense of maintenance; compulsory support. The board of managers may make an agreement with the parents or guardian of a child in such school for the payment of an amount therein specified for the instruction and maintenance of such pupil. An application for the admission of a child with the consent of the parents or guardian shall not be granted unless suitable provision be made for the clothing of such child. The amount agreed to be paid for

instruction, maintenance and clothing shall be secured to the satisfaction of the board of managers. Such board shall ascertain by investigation the financial ability of parents, guardians, and other persons legally liable for the support of pupils admitted to such school upon commitment, and may demand of such parents, guardians or persons the payment of an amount reasonably sufficient to pay all or a portion of the cost of the instruction, maintenance and clothing of such pupils. The board may proceed against such parents, guardians or persons, by proper suit or proceeding in a court of competent jurisdiction for the recovery of the amount agreed or required to be paid, as herein provided. The amount so recovered, after the payment of the necessary costs and expenses of such suit or proceeding, shall be paid into the treasury of the county, and shall be applied to the payment of the cost of the instruction, maintenance and clothing of such pupils. [*Added by L.* 1915, *ch.* 307.]

§ 619. Maintenance by county. The board of supervisors shall provide for the maintenance of such school, the repair and improvement of the lands and buildings used or occupied thereby, and the equipment thereof with necessary machinery, tools, apparatus and supplies. The cost thereof, and the expenses incurred for such purposes, shall be charges against the county and shall be audited and paid in the same manner as other charges against the county. The maintenance herein provided for shall include the support, instruction, care, board and clothing of pupils and such other expenses as are necessarily incurred in the operation of the school. [*Added by L.* 1915, *ch.* 307.]

§ 619-a. Reports to board of supervisors; inspection. The board of managers of such school shall report in writing to the board of supervisors of the county when called upon to do so, and shall transmit to the clerk of the board, annually, on or before the thirtieth day of June. Such annual report shall state such facts in respect to the school as the board of managers may deem advisable and as the board of supervisors may require. The board of supervisors may, by a committee or any of its members or appointees, inspect such school, and for such purpose may enter upon the land and into the buildings of such school at all reasonable times. [*Added by L.* 1915, *ch.* 307.]

§ 619-b. Powers of commissioner of education and state department of education. A school established as provided herein shall be deemed a part of the public school system of the state, and shall be subject to the supervision and control of

the commissioner of education and the state department of education in the same manner as other public schools, and shall not be subject to any of the laws of the state relating to charitable or penal institutions. [*Added by L.* 1915, *ch.* 307.]

ARTICLE 23

Compulsory Education

Section 620. Instruction required.
621. Required attendance upon instruction.
622. When a boy is required to attend evening school.
623. Instruction elsewhere than at a public school.
624. Duties of persons in *paternal relation to children.
625. Penalty for failure to perform *paternal duty.
626. Unlawful employment of children and penalty therefor.
627. Employer must display record certificate and evening, part-time or continuation school certificate.
628. Punishment for unlawful employment of children.
629. Teachers must keep record of attendance.
630. School record certificate.
631. Evening, part-time or continuation school certificate.
632. Attendance officers.
633. Arrest of truants.
634. Interference with attendance officer.
635. Truant schools.
636. Enforcement of law and withholding the state moneys by commissioner of education.
637. Attendance of illiterate minors.

§ 620. Instruction required. The instruction required under this article shall be:

1. At a public school in which at least the six common school branches of reading, spelling, writing, arithmetic, English language and geography are taught in English.

2. Elsewhere than a public school upon instruction in the same subjects taught in English by a competent teacher.

* So in original.

§ 621. Required attendance upon instruction. 1. Every child within the compulsory school ages, in proper physical and mental condition to attend school, residing in a city or school district having a population of five thousand or more and employing a superintendent of schools, shall regularly attend upon instruction as follows:

(a) Each child between seven and fourteen years of age shall attend the entire time during which the school attended is in session, which period shall not be less than one hundred and eighty days of actual school.

(b) Each child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service, and to whom an employment certificate has not been duly issued under the provisions of the labor law, shall so attend the entire time during which the school attended is in session. [*Subdivision* 1 *amended by L.* 1917, *ch.* 563, *in effect May* 18, 1917.]

2. Every such child, residing elsewhere than in a city or school district having a population of five thousand or more and employing a superintendent of schools, shall attend upon instruction during the entire time that the school in the district shall be in session as follows:

(*a*) Each child between eight and fourteen years of age.

(*b*) Each child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service. [*Subdivision amended by L.* 1913, *ch.* 511.]

3. The provisions of this section are intended to include all blind children, except such as may receive appointments under the provisions of article thirty-eight of this chapter. [*Section amended by L.* 1911, *ch.* 710.]

§ 622. When a boy is required to attend evening school. 1. Every boy between fourteen and sixteen years of age, in a city of the first class or a city of the second class in possession of an employment certificate duly issued under the provisions of the labor law, who has not completed such course of study as is required for graduation from the elementary public schools of such city, and who does not hold either a certificate of graduation from the public elementary school or the preacademic certificate issued by the Regents or the certificate of the completion of an elementary course issued by the education department, shall attend the public evening schools of such city, or other even-

ing schools offering an equivalent course of instruction, for not less than six hours each week, for a period of not less than sixteen weeks.

2. When the board of education in a city or district shall have established part-time and continuation schools or courses of instruction for the education of young persons between fourteen and sixteen years of age who are regularly employed in such city or district, said board of education may require the attendance in such schools or on such courses of instruction of any young person in such a city or district who is in possession of an employment certificate duly issued under the provisions of the labor law, who has not completed such courses of study as are required for graduation from the elementary public schools of such city or district, or equivalent courses of study in parochial or other elementary schools, who does not hold either a certificate of graduation from the public elementary school or a preacademic certificate of the completion of the elementary course issued by the education department, and who is not otherwise receiving instruction approved by the board of education as equivalent to that provided for in the schools and courses of instruction established under the provisions of this act. The required attendance provided for in this paragraph shall be for a total of not less than thirty-six weeks per year, at the rate of not less than four and not more than eight hours per week, and shall be between the hours of eight o'clock in the morning and five o'clock in the afternoon of any working day or days.

3. The children attending such part-time or continuation schools as required in paragraph two of this section shall be exempt from the attendance on evening schools required in paragraph one of this section. [*Amended by L.* 1913, *ch.* 748.]

§ 623. Instruction elsewhere than at a public school. If any such child shall so attend upon instruction elsewhere than at a public school, such instruction shall be at least substantially equivalent to the instruction given children of like age at the public school of the city or district in which such child resides; and such attendance shall be for at least as many hours each day thereof as are required of children of like age at public schools; and no greater total amount of holidays or vacations shall be deducted from such attendance during the period such attendance is required than is allowed in such public school to children of like age. Occasional absences from such attendance, not

amounting to irregular attendance in the fair meaning of the term, shall be allowed upon such excuses only as would be allowed in like cases by the general rules and practice of such public school.

If a child required to attend upon instruction as provided in this article does not attend at a public, private or parochial school maintained in the city or district in which the parent or guardian of said child resides, such parent or guardian shall upon request furnish satisfactory proof to the local school authorities of said city or district that said child or ward is attending upon lawful instruction elsewhere. [*Amended by L.* 1917, *ch.* 563, *in effect May* 18, 1917.]

§ 624. Duties of persons in parental relation to children. Every person in parental relation to a child within the compulsory school ages and in proper physical and mental condition to attend school, shall cause such child to attend upon instruction, as follows:

1. In cities and school districts having a population of five thousand or above, every child between seven and sixteen years of age as required by section six hundred and twenty-one of this act unless an employment certificate shall have been duly issued to such child under the provisions of the labor law and he is regularly employed thereunder.

2. Elsewhere than in a city or school district having a population of five thousand or above, every child between eight and sixteen years of age, unless such child shall have received an employment certificate duly issued under the provisions of the labor law and is regularly employed thereunder in a factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages, or unless such child shall have received the school record certificate issued under section six hundred and thirty of this act and is regularly employed elsewhere than in the factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages.

§ 625. Penalty for failure to perform parental duty. A violation of section six hundred and twenty-four shall be a misdemeanor, punishable for the first offense by a fine not exceeding five dollars, or five days' imprisonment, and for each subsequent offense by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or by both such fine and im-

prisonment. Courts of special session and police magistrates shall, subject to removal as provided in sections fifty-seven and fifty-eight of the code of criminal procedure, have exclusive jurisdiction in the first instance to hear, try and determine charges of violations of this section within their respective jurisdictions.

§ 626. Unlawful employment of children and penalty therefor. It shall be unlawful for any person, firm or corporation:

1. To *employe any child under fourteen years of age, in any business or service whatever, for any part of the term during which the public schools of the district or city in which the child resides are in session.

2. To employ, elsewhere than in a city of the first class or a city of the second class, in a factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages, any child between fourteen and sixteen years of age who does not at the time of such employment present an employment certificate duly issued under the provisions of the labor law, or to employ any such child in any other capacity who does not at the time of such employment present a school record certificate as provided in section six hundred and thirty of this chapter.

3. To employ any child between fourteen and sixteen years of age in a city of the first class or a city of the second class who does not, at the time of such employment, present an employment certificate, duly issued under the provisions of the labor law.

§ 627. Employer must display record certificate and evening, part-time or continuation school certificate. The employer of any child between fourteen and sixteen years of age in a city or district shall keep and shall display in the place where such child is employed, the employment certificate and also his evening, part-time or continuation school certificate issued by the school authorities of said city or district or by an authorized representative of such school authorities, certifying that the said child is regularly in attendance at an evening, part-time or continuation school of said city as provided in section six hundred and thirty-one of this chapter. [*Amended by L.* 1913, *ch.* 748.]

* So in original.

§ 628. Punishment for unlawful employment of children. Any person, firm, or corporation, or any officer, manager, superintendent or employee acting therefor, who shall employ any child contrary to the provisions of sections six hundred and twenty-six and six hundred and twenty-seven hereof shall be guilty of a misdemeanor, and the punishment therefor shall be for the first offense a fine of not less than twenty dollars nor more than fifty dollars; for a second and each subsequent offense, a fine of not less than fifty dollars nor more than two hundred dollars. [*Amended by L.* 1913, *ch.* 748.]

§ 629. Teachers must keep record of attendance. An accurate record of the attendance of all children between seven and sixteen years of age shall be kept by the teacher of every school, showing each day by the year, month, day of the month and day of the week, such attendance, and the number of hours in each day thereof; and each teacher upon whose instruction any such child shall attend elsewhere than at school, shall keep a like record of such attendance. Such record shall, at all times, be open to the attendance officers or other person duly authorized by the school authorities of the city or district, who may inspect or copy the same; and every such teacher shall fully answer all inquiries lawfully made by such authorities, inspectors, or other persons, and a willful neglect or refusal so to answer any such inquiry shall be a misdemeanor.

§ 630. School record certificate. 1. A school record certificate shall contain a statement certifying that a child has regularly attended the public schools, or schools equivalent thereto, or parochial schools, for not less than one hundred and thirty days during the twelve months next preceding his fourteenth birthday or during the twelve months next preceding his application for such school record, and has completed the work in reading, writing, spelling, arithmetic, English language and geography, in English, prescribed for the first six years of the public elementary school or parochial school or school of equal rank maintaining an equivalent course of study in which the branches specified in subdivision one of section six hundred and twenty of this chapter are taught in English. Such record shall also give the date of birth and residence of the child, as shown on the school records, and the name of the child's parents, guardian or custodian. Such school record certificate shall be in the form prescribed or approved by the commissioner of education.

No school record certificate shall be issued to any child under fifteen years of age for the purpose of obtaining an employment certificate, unless such child at the age of fourteen is a graduate of a public elementary school or parochial school or a school of equal rank maintaining an equivalent course of study in which the branches specified in subdivision one of section six hundred and twenty of this chapter are taught in English; or holds a pre-academic certificate issued by the regents, or a certificate of the completion of an elementary course issued by the state education department. [*Subdivision* 1 *amended by L.* 1913, *ch.* 101, *and by L.* 1917, *ch.* 563, *in effect May* 18, 1917.]

2. A teacher or superintendent to whom application shall be made for a school record certificate required under the provisions of the labor law shall issue a school record certificate to any child who, after due investigation and examination, may be found to be entitled to the same as follows:

a. In a city of the first class by the principal or chief executive of a school.

b. In all other cities and in school districts having a population of five thousand or more and employing a superintendent of schools, by the superintendent of schools only.

c. In all other school districts by the principal teacher of the school.

d. In each city or school district such certificate shall be furnished on demand to a child entitled thereto or to the board or commissioner of health.

§ 631. Evening, part-time or continuation school certificate. The school authorities in a city or district, or officers designated by them, are hereby required to issue to each child lawfully in attendance at an evening, part-time or continuation school, an evening, part-time or continuation school certificate at least once in each month during the months said evening, part-time or continuation school is in session and at the close of the term of said evening, part-time or continuation school, provided that said child has been in attendance upon said evening school, for not less than six hours each week or upon said part-time or continuation school for not less than four hours each week, for such number of weeks as will, when taken in connection with the number of weeks such evening, part-time or continuation school respectively, shall be in session during the remainder of the current or calendar year, make up a total attendance on the

part of said child in said evening school, of not less than six hours per week for a period of not less than sixteen weeks or in said part-time or continuation school, of not less than four hours per week for a period of not less than thirty-six weeks. Such certificate shall state fully the period of time which the child to whom it is issued was in attendance upon such evening, part-time or continuation school. [*Amended by L.* 1913, *ch.* 748, *in effect May* 26, 1913.]

§ 632. Attendance officers. 1. The school authorities of each city, union free school district, or common school district whose limits include in whole or in part an incorporated village, shall appoint and may remove at pleasure one or more attendance officers of such city or district, and shall fix their compensation and may prescribe their duties not inconsistent with this article and make rules and regulations for the performance thereof; and the superintendent of schools shall supervise the enforcement of this article within such city or school district.

2. The town board of each town shall appoint, subject to the written approval of the school commissioner of the district, one or more attendance officers, whose jurisdiction shall extend over all school districts in said town, and which are not by this section otherwise provided for, and shall fix their compensation, which shall be a town charge; and such attendance officers, appointed by said board, shall be removable at the pleasure of the school commissioner in whose commissioner district such town is situated.

§ 633. Arrest of truants. 1. The attendance officer may arrest without a warrant any child between seven and sixteen years of age who is a truant from instruction upon which he is lawfully required to attend within the city or district of such attendance officer. He shall forthwith deliver the child so arrested to a teacher from whom such child is then a truant, or, in case of habitual and incorrigible truants, shall bring them before a police magistrate for commitment to a truant school as provided in section six hundred and thirty-five.

2. The attendance officer shall promptly report such arrest and the disposition which he makes of such child, to the school authorities of the said city or district where such child is lawfully required to attend upon instruction.

3. A truant officer in the performance of his duties may enter, during business hours, any factory, mercantile or other establishment within the city or school district in which he is appointed

and shall be entitled to examine employment certificates or registry of children employed therein on demand.

§ 634. Interference with attendance officer. Any person interfering with an attendance officer in the lawful discharge of his duties and any person owning or operating a factory, mercantile or other establishment who shall refuse on demand to exhibit to such attendance officer the registry of the children employed or the employment certificate of such children shall be guilty of a misdemeanor.

§ 635. Truant schools. 1. The school authorities of any city or school district may establish schools, or set apart separate rooms in public school buildings, for children between seven and sixteen years of age, who are habitual truants from instruction upon which they are lawfully required to attend, or who are insubordinate or disorderly during their attendance upon such instruction, or irregular in such attendance. Such school or room shall be known as a truant school; but no person convicted of crimes or misdemeanors, other than truancy, shall be committed thereto.

2. School authorities may provide for the confinement, maintenance and instruction of any child who is an habitual truant from instruction upon which he is lawfully required to attend, or is insubordinate or disorderly during attendance upon such instruction, or is irregular in such attendance in such schools; and they or the superintendent of schools in any city or school district, may, after reasonable notice to such child and the persons in parental relation to such child, and an opportunity for them to be heard, and with the consent in writing of the persons in parental relation to such child, order such child to attend such school, or to be confined and maintained therein, under such rules and regulations as such authorities may prescribe, for a period not exceeding two years; but in no case shall a child be so confined after he is sixteen years of age. [*Subdivision* 2 *amended by L.* 1917, *ch.* 563, *in effect May* 18, 1917.]

3. Such authorities may order such a child to be confined and maintained during such period in any private school, orphans' home or similar institution controlled by persons of the same religious faith as the persons in parental relation to such child, and which is willing and able to receive, confine and maintain such child, upon such terms as to compensation as may be agreed upon between such authorities and such private school, orphans' home or similar institution.

4. If the person in parental relation to such child shall not consent to either of such orders said person shall be proceeded against in court under section six hundred and twenty-five of this chapter by the school authorities or such officer as they may designate. In case the person in parental relation to such child establishes to the satisfaction of the court that such child is beyond his control such child shall be proceeded against as a disorderly person, and upon conviction thereof, if the child was lawfully required to attend a public school, the child shall be sentenced to be confined and maintained in such truant school for a period not exceeding two years; or if such child was lawfully required to attend upon instruction otherwise than at a public school, the child may be sentenced to be confined and maintained for a period not exceeding two years in such private school, orphans' home or other similar institutions, if there be one, controlled by persons of the same religious faith as the persons in parental relation to such child, which is willing and able to receive, confine and maintain such child for a reasonable compensation. Such confinement shall be conducted with a view to the improvement and to the restoration, as soon as practicable, of such child to the institution elsewhere, upon which he may be lawfully required to attend.

4-a. An habitual truant and a child who, being subject to the provisions of this article, has been lawfully suspended or expelled from school, and is not receiving equivalent instruction elsewhere, as provided by section six hundred and twenty-three of this chapter, are hereby declared to be ungovernable children. Any such child may be apprehended by a truant officer of the school district or city where the child resides, or by any peace officer, and brought before a police magistrate having jurisdiction. Notice shall thereupon be given to the child's parent, guardian, or other person standing in parental relation to the child, and upon the submission of satisfactory proof that the child is an habitual truant or that, being subject to this article, he has been lawfully suspended or expelled from school and is not receiving instruction elsewhere, the magistrate may commit such child to a truant school maintained by such district or city, or if no such truant school is maintained, to a private school, orphans' home or other similar institution if there be one, controlled by persons of the same religious faith as the persons in parental

relation to such child, which is willing and able to receive, confine and maintain such child for a reasonable compensation. [*Subdivision* 4-a *added by L.* 1917, *ch.* 563, *in effect May* 18, 1917.]

5. The authorities committing any such child, and in cities and districts having a superintendent of schools such superintendent shall have authority, in his discretion, to parole at any time any truant so committed by them.

6. Every child lawfully suspended from attendance upon instruction for more than one week, shall be required to attend such truant school during the period of such suspension.

7. The school authorities of any city or school district, not having a truant school, may contract with any other city or district having a truant school, for the confinement, maintenance and instruction therein of children whom such school authorities might require to attend a truant school, if there were one in their own city or district.

8. Industrial training shall be furnished in every such truant school.

9. The expense attending the commitment and cost of maintenance of any truant residing in any city, or district, employing a superintendent of schools shall be a charge against such city, or district, and in all other cases shall be a county charge.

§ 636. Enforcement of law and withholding the state moneys by commissioner of education. 1. The commissioner of education shall supervise the enforcement of this law and he may withhold one-half of all public school moneys from any city or district, which, in his judgment, wilfully omits and refuses to enforce the provisions of this article, after due notice, so often and so long as such wilful omission and refusal shall, in his judgment, continue.

2. If the provisions of this article are complied with at any time within one year from the date on which said moneys were withheld, the moneys so withheld shall be paid over by said commissioner of education to such district or city, otherwise forfeited to the state.

§ 637. Attendance of illiterate minors. 1. Every minor, between sixteen and twenty-one years of age, who does not possess such ability to speak, read and write the English language, as is required, for the completion of the fifth grade of the public

or private schools of the city or school district in which he resides, shall attend some day or evening school or some school maintained by an employer as hereinafter provided in subdivision six of this act, in the city or district in which he resides throughout the entire time such school is in session; provided that no such minor be required to attend, if the commissioner of health, or the executive officer of the board or department of health of the city, town, village or district, where such minor resides, or an officer thereof designated by such board, department or commissioner shall deem such minor to be physically or mentally unfit to attend.

2. Any minor subject to the provisions of this section, who willfully violates any provisions of this section, shall be punished by a fine of not exceeding five dollars.

3. Every person having in his control any minor subject to the provisions of this section shall cause such minor to attend a school as hereby required; and if such person fails for six sessions within a period of one month to cause such minor to so attend school, unless the commissioner of health or the executive officer of the board or department of health of the city, town, village or district where such minor resides or an officer thereof designated by such board, department or commissioner shall certify that such minor's physical or mental condition is such as to render his attendance at school harmful or impracticable, such person shall, upon complaint by a truant officer and conviction thereof, be punished by a fine of not more than twenty dollars.

4. Whoever induces or attempts to induce such minor to absent himself unlawfully from school or employs such minor except as is provided by law, or harbors such who, while school is in session, is absent unlawfully therefrom, shall be punished by a fine of not more than fifty dollars.

5. The employer of any minor subject to the provisions of this section shall procure from such minor and display in the place where such minor is employed the weekly record of regular attendance upon a school and it shall be unlawful for any person to employ any minor subject to the provisions of this section until and unless he procures and displays said weekly record as herein provided. It shall be the duty of the teacher or principal of the school upon which he (such minor) attends to provide each week such minor with a true record of attendance.

6. Any employer may meet the requirements of this act by conducting a class or classes for teaching English and civics to foreign-

born in shop, store, plant or factory, under the supervision of the local school authorities, and any minor subject to the provisions of this act may satisfy the requirement by attendance upon such classes. [*Added by L.* 1918, *ch.* 415, *in effect May* 1, 1918.]

ARTICLE 24
School Census

Section 650. School census in cities of the first class, except the city of New York.
651. School census in cities not of the first class.
652. School census in school districts.
653. Penalty for withholding information.
654. Payment of expenses.

§ 650. School census in cities of the first class, except the city of New York. A permanent census board is hereby established in each city of the first class, except the city of New York. In the city of New York provision shall be made by the board of education for taking a school census in connection with the work of enforcing the compulsory education law. Such permanent census board shall consist of the mayor, the superintendent of schools, the police commissioner or officer performing duties similar to those of a police commissioner. The mayor shall be the chairman of such board. Such board shall have power to make such rules and regulations as may be necessary to carry out the provisions of this article. Such board shall have power to appoint a secretary and such clerks and other employees as may be necessary to carry out the provisions of this article and to fix the salaries of the same. Such board shall ascertain through the police force, the residences and employments of all persons between the ages of four and eighteen years residing within such cities and shall report thereon from time to time to the school authorities of such cities. Under the regulations of such board, during the month of October, nineteen hundred and nine, it shall be the duty of the police commissioners in such cities of the first class to cause a census of the children of their respective cities to be taken. Thereafter such census shall be amended from day to day by the police, precinct by precinct, as changes of residence occur among the children of such cities within the ages prescribed in this article and as other per-

sons come within the ages prescribed herein and as other persons within such ages shall become residents of such cities, so that said board shall always have on file a complete census of the names and residences of the children between such ages and of the persons in parental relation thereto. It shall be the duty of persons in parental relation to any child residing within the limits of said cities of the first class to report at the police station house of the precinct within which they severally reside, the following information:

1. Two weeks before any child becomes of the compulsory school age the name of such child, its residence, the name of the person or persons in parental relation thereto, and the name and location of the school to which such child is sent as a pupil.

2. In case a child of compulsory school age is for any cause removed from one school and sent to another school, or sent to work in accordance with the labor law, all the facts in relation thereto.

3. In case the residence of a child is removed from one police precinct to another police precinct, the new residence and the other facts required in the two preceding subdivisions.

4. In case a child between the ages of four and eighteen becomes a resident of one of said cities of the first class for the first time the residence and such other facts as the census board shall require. Such census shall include all persons between the ages of four and eighteen years, the day of the month and the year of the birth of each of such persons, their respective residences by street and number, the names of their parents or guardians, such information relating to illiteracy and to the enforcement of the law relating to child labor and compulsory education as the school authorities of the state and of such cities shall require and also such further information as such authorities shall require. [*Amended by L.* 1914, *ch.* 480.]

§ 651. School census in cities not of the first class. The board of education of each city of the second class and of each city of the third class shall constitute a permanent census board in such city. Such board shall, under its regulations, cause a census of the children in its city to be taken and to be amended from day to day so that there shall always be on file with such board a complete census giving the facts and information required in the census provided for in section six hundred and fifty of the education law in cities of the first class. All persons required

to give information or make reports under the provisions of section six hundred and fifty of the education law to authorities of cities of the first class shall be required to give similar information or make similar reports under regulations of the board of education in a city of the second class or a city of the third class. [*Amended by L.* 1917, *ch.* 567, *in effect May* 18, 1917.]

§ 652. School census in school districts. The board of trustees of every school district shall annually on the thirtieth day of August cause a census of all children between the ages of five and eighteen years to be taken in their respective school districts. Such census shall include the information required from cities as provided in this article.

§ 653. Penalty for withholding information. A parent, guardian or other person having under his control or charge a child between the ages of four and eighteen years who withholds or refuses to give information in his possession relating to such child and required under this article, or any such parent, guardian or other person who gives false information in relation thereto, shall be liable to and punished by fine not exceeding twenty dollars or by imprisonment not exceeding thirty days.

§ 654. Payment of expenses. The money required for the purpose of carrying this article into effect shall be paid by the cities and school districts respectively, included in the provisions of this article, but, in cities in which a permanent census board as provided in section six hundred and fifty of this chapter is not established and maintained, except the city of New York, and in school districts, such moneys shall be paid for the services rendered in the taking of the school census, on the certificate of the state commissioner of education that such census has been satisfactorily taken. [*Amended by L.* 1914, *ch.* 480.]

ARTICLE 25
Text-Books

Section 670. Power to designate text-books.
671. Requisites for change.
672. Penalty for violation.
673. Free text-books in union free school districts.
674. Text-books containing seditious or disloyal matter.

§ 670. Power to designate text-books; purchase of text-books and supplies for sale or rental. 1. In the several cities and union free school districts of the state, boards of education or such body or officer as perform the functions of such boards, shall designate text-books to be used in the schools under their charge.

2. In the common school districts in the state the text-books used in the schools therein shall be designated at an annual school meeting by a two-thirds vote of all the legal voters present and voting at such school meeting.

3. In the several cities and union free school districts of the state, boards of education or other school authorities may purchase text-books and supplies and either rent or sell the same to the pupils attending the public schools in such cities and union free school districts upon such terms and under such rules and regulations as may be prescribed by such boards of education or other school authorities.

[*Amended by L.* 1918, *ch.* 379, *in effect April* 30, 1918.]

§ 671. Requisites for change. 1. When a text-book shall have been designated for use in a union free school district or city as provided in subdivision one of the preceding section, it shall not be lawful to supersede such text-book by any other book within a period of five years from the time of such designation except upon a three-fourths vote of the board of education, or of such body or officer as performs the function of such board.

2. When a text-book shall have been designated in any common school district as provided in subdivision two of the preceding section it shall not be lawful to supersede such text-book except upon a three-fourths vote of the legal voters present and voting upon such proposition at an annual meeting of such district.

§ 672. Penalty for violation. Any person violating any of the provisions of this article shall be liable to a penalty of not less than fifty dollars nor more than one hundred dollars for every such violation, to be sued for by any taxpayer of the school district, and recovered before any justice of the peace and when collected, to be paid to the collector or treasurer for the benefit of said school district.

§ 673. Free text-books in union free school districts. 1. The qualified voters of any union free school district present at any annual school meeting or at any special school meeting duly and legally called for that purpose, shall have power, by a

majority vote, to be ascertained by taking and recording the ayes and noes, to vote a tax for the purchase of all text-books used, or to be used, in the schools of the district.

2. If such tax shall be voted it shall be the duty of the board of education of such district, within ninety days thereafter, to purchase and furnish free text-books to all the pupils attending the schools in such district. Such board of education shall have power to establish such rules and regulations concerning the use by the pupils of such text-books, and the care, preservation and custody thereof as it shall deem necessary.

§ 674. Text-books containing seditious or disloyal matter. No text-book in any subject used in the public schools in this state shall contain any matter or statements of any kind which are seditious in character, disloyal to the United States or favorable to the cause of any foreign country with which the United States is now at war. A commission is hereby created, consisting of the commissioner of education and of two persons to be designated by the regents of the university of the state of New York, whose duty it shall be on complaint to examine text-books used in the public schools of the state, in the subjects of civics, economics, English, history, language and literature, for the purpose of determining whether such text-books contain any matter or statements of any kind which are seditious in character, disloyal to the United States or favorable to the cause of any foreign country with which the United States is now at war. Any person may present a written complaint to such commission that a text-book in any of the aforesaid subjects for use in the public schools of this state or offered for sale for use in the public schools of this state contains matter or statements in violation of this section, specifying such matter or statements in detail. If the commission determine that the text-book against which complaint is made contains any such matter or statements, it shall issue a certificate disapproving the use of such text-book in the public schools of this state, together with a statement of the reasons for its disapproval, specifying the matter found unlawful. Such certificate of disapproval of a text-book, with a detailed statement of the reasons for its disapproval, shall be duly forwarded to the boards of education or other boards or authorities having jurisdiction of the public schools of the cities, towns or school districts of this state, and after the receipt of such certificate the use of a text-book so disapproved shall be discontinued in such city, town or school district.

Any contract hereafter made by any such board of education or other school authorities for the purchase of a text-book in any of such subjects, which has been so disapproved, shall be void. Any school officer or teacher who permits a text-book in any of such subjects, which has been so disapproved, to be used in the public schools of the state, shall be guilty of a misdemeanor. [*Added by L.* 1918, *ch.* 246, *in effect April* 17, 1918.]

ARTICLE 26
Physiology and Hygiene

Section 690. Instruction regarding nature of alcoholic drinks.
691. Enforcement of last section.

§ 690. Instruction regarding nature of alcoholic drinks. 1. The nature of alcoholic drinks and other narcotics and their effects on the human system shall be taught in connection with the various divisions of physiology and hygiene, as thoroughly as are other branches in all schools under state control, or supported wholly or in part by public money of the state, and also in all schools connected with reformatory institutions.

2. All pupils in the above-mentioned schools below the second year of the high school and above the third year of school work computing from the beginning of the lowest primary, not kindergarten, year, or in corresponding classes of ungraded schools, shall be taught and shall study this subject every year with suitable text-books in the hands of all pupils, for not less than three lessons a week for ten or more weeks, or the equivalent of the same in each year, and must pass satisfactory tests in this as in other studies before promotion to the next succeeding year's work; except that, where there are nine or more school years below the high school, the study may be omitted in all years above the eighth year and below the high school, by such pupils as have passed the required tests of the eighth year.

3. In all schools above-mentioned, all pupils in the lowest three primary, not kindergarten, school years or in corresponding classes in ungraded schools shall each year be instructed in this subject orally for not less than two lessons a week for ten weeks, or the equivalent of the same in each year, by teachers using text-books adapted for such oral instruction as a guide and standard, and such pupils must pass such tests in this as may be required in other studies before promotion to the next succeeding year's work.

Nothing in this article shall be construed as prohibiting or requiring the teaching of this subject in kindergarten schools.

4. The local school authorities shall provide needed facilities and definite time and place for this branch in the regular courses of study.

5. The text-books in the pupils' hands shall be graded to the capacities of fourth year, intermediate, grammar and high school pupils, or to corresponding classes in ungraded schools. For students below high school grade, such text-books shall give at least one-fifth their space, and for students of high school grade, shall give not less than twenty pages to the nature and effects of alcoholic drinks and other narcotics. This subject must be treated in the text-books in connection with the various divisions of physiology and hygiene, and pages on this subject in a separate chapter at the end of the books shall not be counted in determining the minimum. No text-book on physiology not conforming to this article shall be used in the public schools.

6. All regents' examinations in physiology and hygiene shall include a due proportion of questions on the nature of alcoholic drinks and other narcotics, and their effects on the human system.

§ 691. Enforcement of last section. 1. In all normal schools, teachers' training classes and teachers' institutes, adequate time and attention shall be given to instruction in the best methods of teaching this branch, and no teacher shall be licensed who has not passed a satisfactory examination in the subject and the best methods of teaching it. On satisfactory evidence that any teacher has wilfully refused to teach this subject, as provided in this article, the commissioner of education shall revoke the license of such teacher.

2. No public money of the state shall be apportioned by the commissioner of education or paid for the benefit of any city until the superintendent of schools therein shall have filed with the treasurer or chamberlain of such city an affidavit, and with the commissioner of education a duplicate of such affidavit, that he has made thorough investigation as to the facts, and that to the best of his knowledge, information and belief, all the provisions of this article have been complied with in all the schools under his supervision in such city during the last preceding legal school year.

3. Nor shall any public money of the state be apportioned by the commissioner of education or by school commissioners, or paid for the benefit of any school district, until the president of

the board of trustees, or in the case of common school districts the trustee or some one member of the board of trustees, shall have filed with the school commissioner having jurisdiction an affidavit that he has made thorough investigation as to the facts and that to the best of his knowledge, information and belief, all the provisions of this article have been complied with in such district, which affidavit shall be included in the trustees' annual report.

4. It shall be the duty of every school commissioner to file with the commissioner of education an affidavit in connection with his annual report, showing all districts in his jurisdiction that have and those that have not complied with all the provisions of this article, according to the best of his knowledge, information and belief, based upon a thorough investigation by him as to the facts.

5. Nor shall any public money of the state be apportioned or paid for the benefit of any teachers' training class, teachers' institute or other school mentioned herein until the officer having jurisdiction or supervision thereof shall have filed with the commissioner of education an affidavit that he has made thorough investigation as to the facts and that to the best of his knowledge, information and belief, all the provisions of this article relative thereto have been complied with.

6. The principal of each normal school in the state shall at the close of each school year file with the commissioner of education an affidavit that all the provisions of this article applicable thereto have been complied with during the school year just terminated and until such affidavit shall be filed no warrant shall be issued by the commissioner of education for the payment by the treasurer of any part of the money appropriated for such school.

7. It shall be the duty of the commissioner of education to provide blank forms of affidavit required herein for use by the local school officers, and he shall include in his annual report a statement showing every school, city or district which has failed to comply with all the provisions of this article during the preceding school year.

8. On complaint by appeal to the commissioner of education by any patron of the schools mentioned in the last preceding section or by any citizen that any provision of this article has not been complied with in any city or district, the commissioner of education shall make immediate investigation, and on satisfactory

evidence of the truth of such complaint, shall thereupon and thereafter withhold all public money of the state to which such city or district would otherwise be entitled, until all the provisions of this article shall be complied with in said city or district, and shall exercise his power of reclamation and deduction under section four hundred and ninety-one of this chapter.

ARTICLE 26-A

[*Article added by L.* 1916, *ch.* 567 *in effect May* 15, 1916.]

Discipline and Physical Training

Section 695. Instruction in physical training and kindred subjects.
696. Rules of regents.
697. State aid for teachers employed.

§ 695. Instruction in physical training and kindred subjects. All male and female pupils above the age of eight years in all elementary and secondary schools shall receive as part of the prescribed courses of instruction therein such physical training under the direction of the commissioner of education as the regents after conference with the military training commission may determine, during periods which shall average at least twenty minutes in each school day. Pupils above such age attending the public schools shall be required to attend upon such prescribed courses of instruction.

The board of education or trustees of every school district in a city and every union free school district regularly employing ten or more teachers shall employ a teacher or teachers qualified and duly licensed under the regulations of the regents to give such instruction; in every other district of the state, they shall require such instruction to be given by the teacher or teachers regularly employed to give instruction in other subjects or by a teacher or teachers qualified and duly licensed under the regulations of the regents. The boards of education or trustees of two or more contiguous districts in the same supervisory district, however, may join in the employment of a teacher qualified and duly licensed under the regulations of the regents to give such instruction; and the salary of such teacher and the expenses incurred on account of such instruction shall be apportioned by the district superintendent among such districts according to the

assessed valuation thereof, and as so apportioned shall be a charge upon each of such districts. Similar courses of instruction shall be prescribed and maintained in private schools in the state, and all pupils in such schools over eight years of age shall attend upon such courses; and if such courses are not so established and maintained in any private school, attendance upon instruction in such school shall not be deemed substantially equivalent to instruction given to children of like ages in the public school or schools of the city or district in which the child resides.

Whenever the regents shall adopt recommendations of the military training commission in relation to the establishment in elementary and secondary schools of habits, customs and methods adapted to the development of correct physical posture and bearing, mental and physical alertness, self control, disciplined initiative, sense of duty and spirit of co-operation under leadership, as provided in the military law, the regents shall prescribe and enforce such rules as may be necessary to carry into effect the recommendations so adopted. [*Amended by L.* 1918, *ch.* 442.]

§ 696. Rules of regents. It shall be the duty of the regents to adopt rules determining the subjects to be included in courses of physical training provided for in this article, the period of instruction in each of such courses, the qualifications of teachers, the attendance upon such courses of instruction, and relating to carrying out the recommendations of the military training commission when adopted by the regents as provided for in this article. [*Added by L.* 1916, *ch.* 567.]

§ 697. State aid for teachers employed. The commissioner of education, in the annual apportionment of state school moneys, shall apportion therefrom to each city and school district on account of courses of instruction as provided in this article, established and maintained in the schools of such city or district during the school year or any part thereof, a sum equal to one-half of the salary paid to each teacher qualified and duly licensed under the regulations of the regents to give instruction in such courses, but the entire amount apportioned on account of a single teacher during a school year shall not exceed six hundred dollars. Such apportionments shall be made out of moneys to be appropriated therefor, subject to the provisions of law relative to apportionments of public money to the public schools of the state. Such apportionments shall not be made unless such courses of instruction shall be approved by the commissioners of educa-

tion and the instruction therein shall meet the standards prescribed and conform to the provisions of this article and the rules of the regents of the university in respect thereto. If two or more districts shall jointly employ a teacher thus qualified to give such courses of instruction, the commissioner of education shall apportion a like amount on account of the salary paid to the teacher, which shall be apportioned to the school districts in accordance with the amount required to be paid by each district for the maintenance of such courses of instruction. [*Amended by L.* 1918, *ch.* 442.]

APPROPRIATION FOR SUPERVISION

L. 1918, ch. 442, § 2. The education department may provide for the supervision and special instruction in physical training of teachers regularly employed to give instruction in other subjects, who are assigned or designated as required by this act by boards of education or trustees to give instruction in physical training to the children attending the schools under the management of such boards of education or trustees in which such teachers are employed. The sum of sixty thousand dollars ($60,000), or so much thereof as may be necessary, is hereby appropriated for the purpose of making effective the provisions of this section.

MILITARY AND DISCIPLINARY TRAINING

[*Military Law, Art.* 1-A]

Article added by L. 1916, *ch.* 566.

ARTICLE 1-A

Military and Disciplinary Training

Section 26. Military training commission, its assistants, employees and expenses.
27. Physical and disciplinary training in schools; military training.
28. Field training for boys.
29. General powers and duties of the commission.
29-a. State military property, including armories, may be used.
29-b. Use of school buildings.
29-c. Expenses of detailed officers and men.
29-d. Definitions; article not applicable to certain schools.

§ 26. Military training commission, its assistants, employees and expenses. A military training commission for the state is hereby established composed of the major general commanding the national guard ex officio, who shall be chairman of the commission, a member to be appointed by the board of regents of the university of the state and a member to be appointed by the governor. The appointed members shall hold office for terms of four years.

The commission shall meet at such places within the state at such stated times as it determines and other meetings shall be held at the call of the

chairman or of a majority of the members of the commission at a time and place stated in the call.

The commissioners shall not receive any compensation for their services as such, but they shall be paid their traveling expenses actually and necessarily incurred in the performance of their duties as commissioners.

The commission may appoint and at pleasure remove an inspector of physical training at a salary not exceeding five thousand dollars a year and other assistants and clerks and employees at salaries to be fixed by the commission.

The commission shall make an annual report to the governor containing a summary of the business transacted with a statement in detail of its expenditures.

§ 27. Physical and disciplinary training in schools; military training. (1) The military training commission shall advise and confer with the board of regents of the university of the state of New York as to the courses of instruction in physical training to be prescribed for elementary and secondary schools as provided in the education law.

In order to more thoroughly and comprehensively prepare the boys of the elementary and secondary schools for the duties and obligations of citizenship, it shall also be the duty of the military training commission to recommend from time to time to the board of regents the establishment in such schools, of habits, customs and methods best adapted to develop correct physical posture and bearing, mental and physical alertness, self-control, disciplined initiative, sense of duty and the spirit of co-operation under leadership.

(2) After the first day of September, nineteen hundred and sixteen, all boys above the age of sixteen years and not over the age of nineteen years, except boys exempted by the commission, shall be given such military training as the commission may prescribe for periods aggregating not more than three hours in each week during the school or college year, in the case of boys who are pupils in public or private schools or colleges, and for periods not exceeding those above stated for forty-one weeks in each year in the case of boys who are not such pupils. Such training periods, in the case of pupils in schools and colleges, shall be in addition to prescribed periods of other instruction therein and outside the time assigned therefor. Such training shall be conducted under the supervision of the military training commission by such male teachers and physical instructors of schools and colleges as may be assigned by the boards of education or trustees of such schools or governing bodies of such colleges and accepted by the commission, and by officers and enlisted men of the national guard and naval milita selected by the commission and detailed for that purpose or such officers and enlisted men of the United States army as may be available. The officers and enlisted men of the national guard and naval militia so detailed shall, while in the actual performance of the duties of the detail, receive such percentage of the pay authorized by this chapter for officers and enlisted men of the national guard and naval militia of their respective grades and length of service as may from time to time be fixed by the commission. Teachers and instructors assigned from schools and colleges shall be paid such compensation as the commission may determine out of moneys appropriated for carrying out the provisions of this article.

Such requirement as to military training, herein prescribed, may in the discretion of the commission be met in part by such vocational training or vocational experience as will, in the opinion of the commission, specifically prepare boys of the ages named for service useful to the state, in the maintenance of defense, in the promotion of public safety, in the conservation and development of the state's resources, or in the construction and maintenance of public improvements.

(3) The military training commission shall cause to be issued to each boy above the age of sixteen years and not over the age of nineteen years, who complies with the requirements of this article, a certificate in such form and in such manner as the commission shall prescribe, stating that such boy is enrolled for military training and is meeting the requirements of the law as to such military training.

(4) No boy above the age of sixteen years and not over the age of nineteen years shall be permitted to continue in attendance upon instruction in any public or private school or college within the state unless such boy is in possession of a certificate issued as hereinbefore provided, or unless such boy has been exempted by the commission for military training as provided by law and the rules and regulations of the commission. It shall be the duty of the principal or other officer or person having and exercising supervision and control over any such school or college to exclude such school or college to exclude such boys from attendance upon instruction thereat unless they possess such certificate or are exempted by the commission as herein provided. If the principal or officer in charge of a private school shall fail to comply with the provisions of this subdivision, such school shall not receive any apportionment from the public school moneys or academic funds appropriated by the state legislature for the aid of such schools; and if the officer or person in charge of a college shall fail to comply with the provisions of this subdivision, such college shall not be recognized as one of the colleges which may be attended by the holder of state scholarship issued under the provisions of chapter two hundred and ninety-two of the laws of nineteen hundred and thirteen and the acts amendatory thereof.

(5) A boy above the age of sixteen years and not over the age of nineteen years who does not possess a certificate issued as herein provided, showing that he is enrolled for military training and is meeting the requirements of the military training commission as to such military training, shall not be employed or continued in employment by any person, firm or corporation within this state, or by any officer, manager, superintendent or other employee acting in behalf thereof, unless such boy has been exempted by the commission under its rules and regulations. [*Amended by L.* 1917, *ch.* 49, *and L.* 1918, *ch.* 470.]

§ 28. Field training for boys. Within the limit of appropriations therefor, the commission shall establish and maintain state military camps of instruction for field training of boys who are physically fit and above the age of sixteen years and not over the age of nineteen years and who are accepted therefor by the commission. In determining the persons to receive such field training, where moneys available are not sufficient to provide for all, preference shall be given in the following order unless otherwise provided by law: (1) To male pupils in attendance during the preceding school year in secondary schools; (2) pupils in attendance at state agricultural schools and state agricultural colleges during that period; (3) the other boys above

specified. The camps shall be located in such places throughout the state as the commission may determine. Any society, organization or association having a fair ground and entitled to an apportionment of state moneys under sections three hundred and ten and three hundred and eleven of the agricultural law, shall, upon the request of the commission, allow the use of its grounds, or part thereof, for any such camp, when the grounds are not needed for its own purposes, unless previously leased to other parties; and if any such society, association or organization shall refuse to allow the use of its grounds as above provided, the moneys otherwise due to it under such law shall be withheld each year in which such refusal occurs. Such field training shall be given annually, during the summer months, and shall for each detachment of boys cover a period of not less than two or more than four weeks, as the commission may determine. Such camps and the training and discipline thereat shall be under the direction and charge of the commission. The major-general commanding the national guard shall detail for service at such camps, such number of officers and enlisted men of the national guard and naval militia as may be required by the commission. Such officers and enlisted men during such detail shall receive pay, subsistence and transportation as authorized in this chapter and the regulations issued thereunder for officers and enlisted men of their grades and length of service on duty under orders of the major-general, commanding the national guard. [*Amended by L.* 1918, *ch.* 470.]

§ 29. General powers and duties of the commission. The commission in addition to the powers elsewhere in this article conferred on it shall have power to

1. Provide for the observation and inspection of the work and methods prescribed under the provisions of this article, or under the provisions of the education law relating to instruction in physical training prescribed after conference with the commission.

2. Prescribe the powers and duties of the inspection of physical training.

3. Regulate the duties of clerical and other assistants and employees of the commission.

4. Prescribe rules and regulations for compulsory attendance during the periods of military training provided in this article.

5. Regulate individual exemptions from prescribed military training.

6. Maintain, and co-operate with the colleges in the state or the federal authorities in maintaining, courses of instruction for male teachers and physical instructors and others who volunteer and are accepted by the commission.

7. Make regulations and rules for fully carrying into effect the provisions of this article.

§ 29-a. State military property, including armories, may be used. The authorities in charge of armories shall, upon the application of the military training commission, allow the use of any armory of the national guard and naval militia for the conduct of military drills provided for by this article, when such armory is not then required for the use of the national guard or naval militia, and shall authorize the temporary use by boys for whom military instruction is provided as prescribed in this article, for the purpose of

such drills, of arms and other equipment of the national guard and naval militia, belonging to the state, not then required for the use of the national guard or naval militia, and of arms and other equipment which may have been rendered obsolete and unserviceable and which may be retained and issued for such purpose, under such rules and regulations as the proper military authorities may prescribe. The military authorities of the state are authorized and empowered to loan to the military training commission such military property as may be necessary in the organization and maintenance of field training camps, and to carry out the provisions of this article. [*Amended by L.* 1918, *ch.* 470.]

§ 29-b. **Use of school buildings.** The school authorities throughout the state are authorized to permit the use of school buildings and school grounds for the purpose of carrying out the provisions of this article.

§ 29-c. **Expenses of detailed officers and men.** The expenditures authorized to be made by this article to officers and enlisted men of the national guard detailed as therein authorized shall be paid from funds appropriated to carry out the provisions of this article.

§ 29-d. **Definitions; article not applicable to certain schools.** The expression "school authorities" as used in this article shall be construed to have the same meaning and effect as is given to such expression in the education law. "Secondary schools" mean schools for "secondary education," as defined in such law, to the extent that they provide such education. None of the provisions of this article shall apply to any agricultural college in any institution in this state which receives the benefits of the act of congress of July second, eighteen hundred and sixty-two, provided for instruction in agriculture, the mechanic arts, and military training, and in which instruction in military tactics is now required of pupils, nor shall it apply to pupils therein.

§ 2. The sum of one hundred thousand dollars ($100,000), or so much thereof as may be necessary, is hereby appropriated to carry out the provisions of this act, which sum shall be expended under the direction of the military training commission for its expenses, the salary of assistants, clerical hire, pay and expenses of detailed officers and enlisted men of the national guard and naval militia, compensation of teachers and instructors assigned from schools and colleges for conducting military training, and the cost of maintaining training camps.

ARTICLE 26-B

(*Added by L.* 1917, *ch.* 210, *in effect April* 19, 1917.)

Section 700. Instruction in the humane treatment of animals and birds.

§ 700. Instruction in the humane treatment of animals and birds. The officer, board or commission authorized or required to prescribe courses of instruction shall cause instruction to be given in every elementary school under state control

or supported wholly or partly by public money of the state, in the humane treatment and protection of animals and birds and the importance of the part they play in the economy of nature. Such instruction shall be for such period of time during each school year as the board of regents may prescribe and may be joined with work in literature, reading, language, nature study or ethnology. Such weekly instruction may be divided into two or more periods. A school district shall not be entitled to participate in the public school money on account of any school or the attendance at any school subject to the provisions of this section, if the instruction required hereby is not given therein. The commissioner of education shall, pursuant to this act, cause the consideration of the humane treatment of animals and birds to be included in the program of teachers' institutes. [*Added by L.* 1917, *ch.* 210, *in effect April* 19, 1917.]

ARTICLE 26-C

[*Article added by L.* 1918, *ch.* 241, *in effect April* 17, 1918.]

Instruction in Patriotism and Citizenship

Section 705. Courses of instruction in patriotism and citizenship.
706. Rules prescribing courses; inspection and supervision; enforcement.

§ 705. Courses of instruction in patriotism and citizenship. In order to promote a spirit of patriotic and civic service and obligation and to foster in the children of the state moral and intellectual qualities which are essential in preparing to meet the obligations of citizenship in peace or in war, the regents of the university of the state of New York shall prescribe courses of instruction in patriotism and citizenship, to be maintained and followed in all the schools of the state. The boards of education and trustees of the several cities and school districts of the state shall require instruction to be given in such courses, by the teachers employed in the schools therein. All pupils attending such schools, over the age of eight years, shall attend upon such instruction.

Similar courses of instruction shall be prescribed and maintained in private schools in the state, and all pupils in such schools over eight years of age shall attend upon such courses. If such courses are not so established and maintained in a private school, attendance upon instruction in such school shall not be deemed substantially equivalent to instruction given to pupils of

like age in the public schools of the city or district in which such pupils reside. [*Added by L.* 1918, *ch.* 241, *in effect April* 17, 1918.]

§ 706. Rules prescribing courses; inspection and supervision; enforcement. The regents of the university of the state of New York shall determine the subjects to be included in such courses of instruction in patriotism and citizenship, and the period of instruction in each of the grades in such subjects. They shall adopt rules providing for attendance upon such instruction and for such other matters as are required for carrying into effect the objects and purposes of this article. The commissioner of education shall be responsible for the enforcement of this article and shall cause to be inspected and supervise the instruction to be given in such subjects. The commissioner may, in his discretion, cause all or a portion of the public school money to be apportioned to a district or city to be withheld for failure of the school authorities of such district or city to provide instruction in such courses and to compel attendance upon such instruction, as herein prescribed, and for a noncompliance with the rules of the regents adopted as herein provided. [*Added by L.* 1918, *ch.* 241, *in effect April* 17, 1918.]

ARTICLE 27

The Flag

Section 710. Purchase and display of flag.
711. Rules and regulations.
712. Commissioner of education shall prepare program.
713. Military drill excluded.

§ 710. Purchase and display of flag. It shall be the duty of the school authorities of every public school in the several cities and school districts of the state to purchase a United States flag, flag-staff and the necessary appliances therefor, and to display such flag upon or near the public school building during school hours, and at such other times as such school authorities may direct.

§ 711. Rules and regulations. The said school authorities shall establish rules and regulations for the proper custody, care and display of the flag, and when the weather will not permit it to be otherwise displayed, it shall be placed conspicuously in the principal room in the school-house.

§ 712. Commissioner of education shall prepare program. 1. It shall be the duty of the commissioner of education to prepare, for the use of the public schools of the state, a program providing for a salute to the flag and such other patriotic exercises as may be deemed by him to be expedient, under such regulations and instructions as may best meet the varied requirements of the different grades in such schools.

2. It shall also be his duty to make special provision for the observance in the public schools of Lincoln's birthday, Washington's birthday, Memorial day and Flag day, and such other legal holidays of like character as may be hereafter designated by law when the legislature makes an appropriation therefor.

§ 713. Military drill excluded. Nothing herein contained shall be construed to authorize military instruction or drill in the public schools during school hours.

ARTICLE 28
Fire Drills

Section 730. Duty to maintain drills.
731. Penalty for neglect.
732. Duty to instruct teachers.
733. Not applicable to colleges or universities.

§ 730. Duty to maintain drills. It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the state, having more than one hundred pupils, or maintained in a building two or more stories high to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to leave the school building in the shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least once in each month.

§ 731. Penalty for neglect. Neglect by any principal or other person in charge of any public or private school or educational institution to comply with the provisions of this article shall be a misdemeanor punishable at the discretion of the court by fine not exceeding fifty dollars; such fine to be paid to the pension fund of the local fire department where there is such a fund.

§ 732. Duty to instruct teachers. It shall be the duty of the board of education or school board or other body having control of the schools in any district or city to cause a copy of this

article to be printed in the manual or handbook prepared for the guidance of teachers, where such manual or handbook is in use or may hereafter come into use.

§ 733. Not applicable to colleges or universities. The provisions of this article shall not apply to colleges or universities.

ARTICLE 29

Arbor Day

Section 750. Arbor day.
751. Manner of observance.
752. Prescribed course of exercises.

§ 750. Arbor day. The commissioner of education shall designate by proclamation, annually, the day to be observed as Arbor day. [*Amended by L.* 1916, *ch.* 220.]

§ 751. Manner of observance. It shall be the duty of the authorities of every public school in this state to assemble the pupils in their charge on that day in the school building, or elsewhere, as they may deem proper, and to provide for and conduct, under the general supervision of the city superintendent or the school commissioner, or other chief officers having the general oversight of the public schools in each city or district, such exercises as shall tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results.

§ 752. Prescribed course of exercises. The commissioner of education may prescribe from time to time a course of exercises and instruction in the subjects hereinbefore mentioned, which shall be adopted and observed by the public school authorities on Arbor day. Upon receipt of copies of such course sufficient in number to supply all the schools under their supervision, the school commissioner or city superintendent aforesaid shall promptly provide each of the schools under his charge with a copy, and cause it to be observed.

ARTICLE 30

Teachers' Institute

Section 770. Duties of commissioner of education regarding teachers' institutes.
771. Duties of school commissioners.
772. Schools must be closed.

Section 773. Penalty for failure to attend or to close schools.
774. Teachers must attend; entitled to salaries.
775. Payment of expenses.

(The text of this article has been omitted for the reason that teachers' institutes have been replaced by teachers' conferences called by the district superintendents pursuant to the provisions of subdivision 2, section 395, of the Education Law.)

ARTICLE 31
Training Classes

Section 790. Designation of schools for classes.
791. Regulations for classes.
792. Instruction free.
793. *School commissioners shall supervise and examine classes; teachers' certificates.
794. Teachers' training schools or classes under superintendents of schools.

§ 790. Designation of schools for classes. The commissioner of education shall designate the academies and union free schools in which training classes may be organized to give instruction in the science and practice of common school teaching. Such classes shall be distributed among the academies and high schools of the several school commissioner districts of the state and consideration shall be given to the number of school districts in each and the location and character of the institution designated.

§ 791. Regulations for classes. 1. Every academy and union school so designated shall instruct a training class of not less than ten nor more than twenty-five scholars, and every scholar admitted to such class shall continue under instruction not less than thirty-six weeks.

2. Whenever it shall be shown to the satisfaction of the commissioner of education that any pupil attending such classes has been prevented from attending the same for the full term of thirty-six weeks, or that for any reason satisfactory to such commissioner, said classes have not been held for the full term of thirty-six weeks or have been attended by less than ten members, such

* So in original.

commissioner may excuse such default and allow to the trustees of the academy or union free school in which said classes have been instructed an equitable allowance proportionate to the number of pupils and period of instruction.

3. The commissioner shall prescribe the conditions of admission to the classes, the course of instruction and the rules and regulations under which said instruction shall be given.

§ 792. Instruction free. Instruction shall be free to all scholars admitted to such classes, who have continued in them the length of time required by the preceding section.

§ 793. School commissioners shall supervise classes. Each class organized in any academy or union school under appointment by the commissioner of education for the instruction in the science and practice of common school teaching, shall be subject to the visitation of the school commissioner of the district in which such academy or union school is situated; and it shall be the duty of said school commissioner to advise and assist the principals of said academies or union schools in the organization and management of said classes.

§ 794. Teachers' training schools or classes under superintendents of schools. The board of education or the public school authorities of any city or of any school district having a population of five thousand or more and employing a superintendent of schools, may establish, maintain, direct and control one or more schools or classes for the professional instruction and training of teachers in the principles of education and in the method of instruction for not less than two years.

ARTICLE 32

Normal Schools; State Normal College

Section 810. Normal schools continued.
811. Local boards.
812. Powers of local boards.
813. Bond of treasurer.
814. Salary of secretary and treasurer.
815. Local boards shall have management of buildings and property.
816. Courses of study.
817. Teachers, salaries, et cetera.
818. Commissioner may perform duties of defaulting local board.

Section 819. Diplomas.
820. Requisites for admission; privileges and duties of pupils.
821. Practice departments in Fredonia school.
822. Special policemen.
823. Village or city may insure normal school property.
824. Expense of insurance a village or city charge.
825. Deposit of insurance moneys in bank.
826. Acceptance of grants and bequests authorized.
827. Education of Indian youth.
828. Selection of Indian youth.
829. Age of youth and limit of time for support.
830. Guardians of youth.
831. Indian pupils on equality with others.
832. New York state normal college.
833. Board of trustees.
834. Contracts for the education of children, residing in a city or district, in which a state normal school is located.

§ 810. Normal schools continued. The state normal schools heretofore established at Brockport, Buffalo, Cortland, Fredonia, Geneseo, New Paltz, Oneonta, Oswego, Plattsburgh and Potsdam, are continued.

§ 811. Local boards. There shall continue to be a local board of each of said state normal schools, consisting of not less than three nor more than thirteen persons and the members thereof shall hold their offices until removed by the concurrent action of the chancellor of the university and the commissioner of education. A vacancy in any of said boards shall be filled by appointment by the commissioner of education.

§ 812. Powers of local boards. 1. Local boards shall have the immediate supervision and management of said schools, subject, however, to the general supervision of the commissioner of education and to his direction in all things pertaining to the school. Said local boards shall have power to appoint one of their number chairman, one secretary and another treasurer of the board. The secretary may also be treasurer.

2. A majority of each of said boards shall form a quorum for the transaction of business, and in the absence of any officer of the board, another member may be appointed pro tempore to fill his place and perform his duties.

3. It shall be the duty of such board to make and establish, and from time to time to alter and amend, such rules and regulations for the government of such schools under their charge, respectively, as they shall deem best, which shall be subject to the approval of the commissioner of education.

4. They shall also severally transmit through the commissioner of education, and subject to his approval and in the form which he directs, a report to the legislature on the first day of January in each year, showing the condition of the school under their charge during the year next preceding, including, especially, an account in detail of their receipts and expenditures, which shall be duly verified by the oath or affirmation of their chairman and secretary.

§ 813. Bond of treasurer. The treasurer shall give an undertaking to the people of the state for the faithful performance of his trust in an amount fixed by the commissioner of education. The undertaking shall be approved by said commissioner and filed in the office of the comptroller.

§ 814. Salary of secretary and treasurer. The secretary and the treasurer shall each be paid an annual salary to be fixed by the local board with the approval of the commissioner of education, but the aggregate amount of such salaries shall not exceed four hundred dollars.

§ 815. Local boards shall have management of buildings and property. The local boards of managers of the respective normal schools in this state shall have the custody, keeping and management of the grounds and buildings provided or used for the purposes of such schools, respectively, and other property of the state pertaining thereto, with power to protect, preserve and improve the same.

§ 816. Courses of study. It shall be the duty of the commissioner of education to prescribe the courses of study to be pursued in each of said schools.

§ 817. Teachers, salaries, et cetera. 1. The commissioner of education shall determine the number of teachers to be employed and the classification of each position in the State College for Teachers and in each state normal school and the salaries of such teachers shall be subject to the provisions herein contained. The employment of such teachers shall also be subject to his approval.

2. The members of the faculty of the State College for Teachers shall be classified as follows:

(a) President.
(b) Dean.
(c) Professor.
(d) Assistant professor.
(e) Instructor.
(f) Assistant instructor.

3. The members of the faculty of each of the state normal and training schools shall be classified as follows:

(a) Principal.
(b) Head of department, or supervisor.
(c) Assistant in department.
(d) Teachers in charge of grades of children in the elementary schools of practice as critic and model teachers.

4. Each member of the faculty of the State College for Teachers and of each of the faculties of the state normal and training schools shall receive an annual salary to be paid in ten equal payments. The first payment shall be made on the first day of October each year and one payment thereafter on the first day of each month up to and including the first day of July.

5. Each person now holding or hereafter appointed to a position under the foregoing classification of the faculty of the said State College for Teachers shall receive the salary provided in the annual appropriation bill for such position, which salary shall be increased annually until the maximum salary as hereinafter provided for such position is reached, except that no new appointment shall be made at a salary greater than the minimum salary hereinafter provided for the respective position. For the positions hereinafter named the minimum and maximum salaries and the annual increases shall be as follows:

(a) President, minimum salary, six thousand dollars; maximum salary, six thousand dollars.

(b) Dean, minimum salary, four thousand five hundred dollars; maximum salary, four thousand five hundred dollars.

(c) Professor, minimum salary, two thousand five hundred dollars; maximum salary, four thousand dollars; annual increase, two hundred and fifty dollars.

(d) Assistant professor, minimum salary, one thousand seven hundred and fifty dollars; maximum salary, two thousand four hundred dollars; annual increase, one hundred and fifty dollars.

(e) Instructor, minimum salary, one thousand five hundred dollars; maximum salary, one thousand seven hundred and fifty dollars; annual increase, one hundred dollars.

(f) Assistant instructor, minimum salary, one thousand two hundred dollars; maximum salary, one thousand five hundred dollars; annual increase, one hundred dollars.

6. Each person now holding or hereafter appointed to a position under the foregoing classification of the faculty of the state normal and training schools shall receive the salary provided in the annual appropriation bill for such position, which salary shall be increased annually as hereinafter provided except that no new appointment shall be made at a greater salary than the minimum salary herein provided for the respective position. For the positions hereinafter named the minimum and maximum salaries and the annual increases shall be as follows:

(a) Principal, minimum salary, three thousand eight hundred dollars; maximum salary, four thousand five hundred dollars; annual increase, two hundred and fifty dollars. After the maximum salary is reached a deduction of five hundred dollars shall be made in the salary of a principal for whom the state provides a residence.

(b) Head of department, or supervisor, minimum salary, two thousand dollars; maximum salary, three thousand dollars; annual increase, two hundred dollars.

(c) Assistant in a department, minimum salary, one thousand four hundred dollars; maximum salary, two thousand dollars; annual increase, one hundred dollars.

(d) Teacher in charge of grade as critic or model teacher, minimum salary, one thousand dollars; maximum salary, one thousand five hundred dollars; annual increase, one hundred dollars.

The foregoing classifications shall not apply to part time teachers, extension teachers, teachers of evening classes or to teachers in the summer sessions of the State College for Teachers or of the state normal schools. No person employed under any of the foregoing classifications shall be entitled to the annual increase hereinbefore provided whose service is not meritorious.

7. The regents of the university shall determine the procedure by which a member of the faculty of one of the institutions herein specified who has reached the maximum salary in his classification may be promoted to the next higher grade on evidence of con-

tinued meritorious service. [*Amended by L.* 1918, *ch.* 558; *and appropriations were made by the legislature to carry out the provisions of this section.*]

§ 818. Commissioner may perform duties of defaulting local board. During such time as any local board shall fail or refuse to discharge any duty the commissioner of education is hereby authorized to discharge such duty of such local boards or any of their officers; and the acts of said commissioner of education in the premises shall be as valid and binding as if done by a competent local board or its officers, or with their co-operation.

§ 819. Diplomas. The commissioner of education shall prepare suitable diplomas to be granted to the students of such school, who shall have completed one or more of the courses of study and discipline prescribed, and a diploma signed by him, the chairman and secretary of the local board and the principal of the school, shall be of itself a certificate of qualification to teach common schools.

§ 820. Requisites for admission; privileges and duties of pupils. 1. All applicants for admission to a normal school shall be residents of this state, or, if not, they shall be admitted only upon the payment of such tuition fees as shall be, from time to time, prescribed by the commissioner of education. Applicants shall present such evidences of proficiency or be subject to such examination as shall be prescribed by said commissioner.

2. A normal school shall not receive into its academic department any pupil not a resident of the territory, for the benefit or advantage of whose residents the state has pledged itself to maintain such academic department unless such pupil declares it to be her intention to remain in such school to complete the regular normal course.

3. All students duly admitted to the normal department shall be entitled to all the privileges of the school, free from all charges for tuition or for the use of books or apparatus, but every pupil shall pay for books lost by him, and for any damage to books in his possession. Any pupil may be dismissed from the school by the local board for immoral or disorderly conduct, or for neglect or inability to perform his duties.

§ 821. Practice departments in Fredonia school. The local board of control of the state normal school at Fredonia

shall have the same powers and privileges in respect to practice departments as boards of education, under subdivision three of section three hundred and ten and section three hundred and seventeen of this chapter.

§ 822. Special policemen. For the purpose of protecting and preserving such buildings, grounds and other property, and preventing injuries thereto, and preserving order, preventing disturbances, and preserving the peace in such buildings and upon such grounds, the local boards of managers of each of said normal schools shall have power, by resolution or otherwise, to appoint, from time to time, one or more special policemen, and to remove the same at pleasure, who shall be police officers, with the same powers as constables of the town or city where such school is located, whose duty it shall be to preserve order, and prevent disturbances and breaches of the peace in and about the buildings, and on and about the grounds used for said school, or pertaining thereto, and protect and preserve the same from injury, and to arrest any and all persons making any loud or unusual noise, causing any disturbance, committing any breach of the peace, or misdemeanor or any wilful trespass upon such grounds, or in or upon said buildings, or any part thereof and convey such person or persons so arrested, with a statement of the cause of the arrest, before a proper magistrate to be dealt with according to law.

§ 823. Village or city may insure normal school property. Each village and city in this state, wherein is located a state normal and training school, may insure and keep insured, the real and personal property of such school against loss or damage by fire, when the state refuses to insure, or keep adequately insured, such property. The insurance is to be in the name of the state, and in case of loss, any moneys obtained from such insurance are to be used and disposed of the same as if the state had effected such insurance. The amount of insurance to be carried shall be determined by the municipal authorities of such village or city.

§ 824. Expense of insurance a village or city charge. The amount of money necessary to effect and continue such insurance shall be raised annually by such village or city at the same time, and in the same manner, as the ordinary expenses of the village or city are raised.

§ 825. Deposit of insurance moneys in bank. Where any loss or damage, against which insurance exists, occurs to the real or personal property of any of the normal and training

schools of the state, the moneys realized from such insurance shall be deposited by each company in which such property is insured in a bank to be designated by the state comptroller, subject to the check of the local board of managers of such school, countersigned by the state comptroller. Such moneys shall be kept as a separate fund to the credit of the local board of managers of such school, and shall be immediately available to be expended under the direction of such local board of managers, subject to the approval of the commissioner of education, to repair or replace, wholly or partially, the real or personal property so damaged or destroyed.

§ 826. Acceptance of grants and bequests authorized. The local board of managers of any state normal and training school of this state, may accept, for the state, by and with the consent of the commissioner of education the gift, grant, devise or bequest of money or other property, and *to apply the same to any purpose, not inconsistent with the general purposes of such school, which shall be prescribed in the instrument by which such gift, grant, devise or bequest shall be made.

§ 827. Education of Indian youth. The state treasurer shall pay, on the warrant of the comptroller, on bills approved by the commissioner of education, from the general fund, such sum as may be appropriated for the support and education of Indian youth in the state normal schools.

§ 828. Selection of Indian youth. The selection of such youth shall be made by the commissioner of education, from the several Indian tribes located within this state; and in making such selection due regard shall be had to a just participation in the privileges of this article by each of the said several tribes, and, if practicable, reference shall also be had to the population of each of said tribes in determining such selection.

§ 829. Age of youth and limit of time for support. Such youth shall not be under sixteen years of age, nor shall any of such youth be supported or educated at said normal schools for a period exceeding three years.

§ 830. Guardians of youth. The local board of each normal school shall be the guardians of such Indian youth, during the period of their connection with the school; and shall pay their necessary expenses, as provided in section eight hundred and twenty-seven of this article.

* So in original.

§ 831. Indian pupils on equality with others. The Indian pupils selected in pursuance of this article, and attending said normal schools, shall enjoy the same privileges, of every kind, as the other pupils attending said schools, including the payment of traveling expenses, not exceeding ten dollars to each pupil.

§ 832. New York state normal college. 1. The state normal school heretofore established at Albany is continued under the name of the New York state normal college and the executive committee of said college shall be known as the board of trustees thereof.

2. The said state normal college shall be as heretofore, under the supervision, management and government of the commissioner of education and the regents of the university. The said commissioner and regents shall from time to time, make all needful rules and regulations; fix the number and compensation of teachers and others to be employed therein; prescribe the examination and the terms and conditions on which pupils shall be received and instructed therein; the number of pupils from the respective counties conforming as nearly as may be to the ratio of population, and provide in all things for the good government and management of the said college. The board of trustees of such college may appoint a secretary and a treasurer and fix their compensation. [*Subdivision* 2 *amended by L.* 1913, *ch.* 511.]

§ 833. Board of trustees. 1. The board of trustees having the care, management and government of said college shall consist of five persons of whom the commissioner of education shall be one. Said commissioner shall be president ex officio of said board. The other members of such board shall be appointed by said commissioner subject to the approval of the regents.

2. In addition to the powers and duties named herein the commissioner of education and the board of trustees of said state normal college shall possess all the powers and duties which the said commissioner and the local boards respectively possess under this article in relation to state normal schools.

§ 834. Contracts for the education of children, residing in a city or district, in which a state normal school is located. The commissioner of education is authorized to enter into a contract with the board of education of a city or district in which a state normal school is located for the education by the state, for such period of time as may be agreed upon, of all or part of the children of legal school

age residing in such city or school district. Before such contract becomes binding, it must be approved by the board of regents. Such contract must be executed in duplicate and one contract filed with the commissioner of education and the other with the state comptroller. A board of education in such a city or district is hereby authorized and empowered to enter into such contracts with the said commissioner of education and to perform all necessary acts to carry out the purposes of this act. [*Added by L.* 1916, *ch.* 315.]

ARTICLE 33

Fines, Penalties, Forfeitures and Costs

Section 850. Disposition of fines for benefit of common schools.
851. Report and payment of fines.
852. Disposition of fines for benefit of schools of town, district or city.
853. Disposition of fine in case of joint district.
854. Penalty for falsely claiming to represent commissioner of education, regents or other school officer.
855. Forfeiture of amount of moneys lost by neglect.
856. Forfeiture of amount of penalty where suit is neglected.
857. No costs to plaintiffs in certain cases.
858. Costs, expenses and damages a district charge in certain cases.
859. Payment of costs, charges and expenses by vote of district meeting.
860. Appeal to county judge.
861. Hearing before county judge.
862. Duty of trustees to carry out order.

§ 850. Disposition of fines for benefit of common schools. Whenever, by any statute, a penalty or fine is imposed for the benefit of common schools, and not expressly of the common schools of a town or school district, it shall be taken to be for the benefit of the common schools of the county within which the conviction is had; and the fine or penalty, when paid or collected, shall be paid forthwith into the county treasury, and the treasurer shall credit the same as school moneys of the county, unless the county comprise a city having a special school act, in which case he shall report it to the commissioner of education, who shall

apportion it upon the basis of population by the last census, between the city and the residue of the county, and the portion belonging to the city shall be paid into its treasury.

§ 851. Report and payment of fines. Every district attorney shall report, annually, to the board of supervisors, all such fines and penalties imposed in any prosecution conducted by him during the previous year; and all moneys collected or received by him or by the sheriff, or any other officer, for or on account of such fines or penalties, shall be immediately paid into the county treasury, and the receipt of the county treasurer shall be a sufficient and the only voucher for such money.

§ 852. Disposition of fines for benefit of schools of town, district or city. Whenever a fine or penalty is inflicted or imposed for the benefit of the common schools of a town or school district, the magistrate, constable or other officer collecting or receiving the same shall forthwith pay the same to the county treasurer of the county in which the schoolhouse is located, who shall credit the same to the town or district for whose benefit it is collected. If the fine or penalty be inflicted or imposed for the benefit of the common schools of a city having a special school act, or of any part or district of a city, it shall be paid into the city treasury.

§ 853. Disposition of fine in case of joint district. Whenever a penalty or fine is imposed upon any school district officer for a violation or omission of official duty, or upon any person for any act or omission within a school district, or touching property or the peace and good order of the district, and such penalty or fine is declared to be for the use or benefit of the common schools of the town or of the county, and such school district lies in two or more towns or counties, the town or county intended by the act shall be taken to be the one in which the schoolhouse, or the schoolhouse longest owned or held by the district is at the time of such violation, act or omission.

§ 854. Penalty for falsely claiming to represent commissioner of education, regents or other school officer. It shall be a misdemeanor for any employee, agent or representative of a firm, company or corporation engaged in selling, publishing or manufacturing papers, periodicals, books, maps, charts, school supplies, apparatus or furniture, or any other person engaged or employed in such business to falsely represent to a board of trustees or board of education of a school

district or to a teacher employed in a public school in this state or to a superintendent of schools or other school officer that he is an agent, employee, or representative of the commissioner of education, the state education department, the regents, or of any other school officer.

§ 855. Forfeiture of amount of moneys lost by neglect. Whenever the share of school moneys or any portion thereof, apportioned to any town or school district, or any money to which a town or school district would have been entitled, shall be lost, in consequence of any wilful neglect of official duty by any school commissioner, town clerk, trustees or clerks of school districts, the officer guilty of such neglect shall forfeit to the town, or school district so losing the same, the full amount of such loss with interest thereon.

§ 856. Forfeiture of amount of penalty where suit is neglected. Where any penalty for the benefit of a school district, or of the schools of any school district, town, school commissioner district or county, shall be incurred, and the officer, whose duty it is by law to sue for the same, shall wilfully and unreasonably refuse or neglect to sue for the same, such officer shall forfeit the amount of such penalty to the same use, and it shall be the duty of his successor in office to sue for the same.

§ 857. No costs to plaintiffs in certain cases. 1. In any action against school officers, including supervisors of towns, in respect to their duties and powers under this chapter, for any act performed by virtue of or under the color of their offices, or for any refusal or omission to perform any duty enjoined by law, and which might have been the subject of an appeal to the commissioner of education, no costs shall be allowed to the plaintiff, in cases where the court shall certify that it appeared on the trial that the defendants acted in good faith.

2. The provision of subdivision one of this section shall not extend to suits for penalties, nor to suits or proceedings to enforce the decisions of the commissioner of education.

§ 858. Costs, expenses and damages a district charge in certain cases. 1. Whenever the trustees of any school district, or any school district officers, have been or shall be instructed by a resolution adopted at a district meeting to defend any action brought against them, or to bring or defend an action or proceeding touching any district property or claim of the district, or involving its rights or interests, or to continue any such action or defense, all their costs and reasonable expenses, as

well as all costs and damages adjudged against them, shall be a district charge and shall be levied by tax upon the district.

2. If the amount claimed by them be disputed by a district meeting, it shall be adjusted by the county judge of any county in which the district or any part of it is situated.

§ 859. Payment of costs, charges and expenses by vote of district meeting. 1. Whenever such trustees or any school district officer shall have brought or defended any such action or proceeding, without any such resolution of the district meeting, and after the final determination of such suit or proceeding, shall present to any regular meeting of the inhabitants of the district, an account, in writing, of all costs, charges and expenses paid by him or them, with the items thereof, and verified by his or their oath or affirmation, and a majority of the voters at such meeting shall so direct, it shall be the duty of the trustees to cause the same to be assessed upon and collected of the taxable property of said district, in the same manner as other taxes are by law assessed and collected; and, when so collected, the same shall be paid over, by an order upon the collector or treasurer to the officers entitled to receive the same.

2. The provision of subdivision one of this section shall not extend to suits for penalties, nor to suits or proceedings to enforce the decisions of the commissioner of education.

§ 860. Appeal to county judge. 1. Whenever any officer mentioned in section eight hundred and fifty-nine shall have complied with the provisions of such section and the meeting shall have refused to direct the trustees to levy a tax for the payment of the costs, charges and expenses claimed by him, such officer shall immediately give notice to such meeting that he will appeal to the county judge of the county in which such district is located from the refusal of said meeting to vote a tax for the payment of such claim.

2. Within ten days after the refusal of the meeting to allow such claim such officer shall serve upon the clerk of the district or, if there be no district clerk, upon the town clerk of the town an itemized statement of his claim, duly verified, together with a written notice that on a certain day named therein such officer will present such claim to the county judge for settlement.

3. The clerk upon whom such notice and claim are served shall file the same in his office and such notice and claim shall be subject to the inspection of any of the inhabitants of the school district.

4. The meeting at which notice of the intention of such officer to appeal to the county judge is given or any subsequent district meeting, duly called, may appoint one or more of the legal voters of such district or authorize the trustee to employ counsel to appear before the county judge at the time fixed for a hearing on such claim and protect the rights of the district upon such settlement. The expenses incurred in the performance of this duty shall be a charge upon the district and the trustees upon a presentation of the account of such expenses with proper vouchers therefor shall pay the same from any available funds in the district or include the necessary amount in a tax-list to be levied upon the district.

5. A refusal of the trustees to levy such tax for the payment of such expenses shall be subject to an appeal to the commissioner of education.

§ 861. Hearing before county judge. 1 Upon the appearance of the parties, or upon due proof of service of the notice and copy of the account, the county judge shall examine into the matter and hear the proofs and allegations presented by the parties, and decide by order whether or not the account, or any and what portion thereof, ought justly to be charged upon the district, with costs and disbursements to such officer.

2. Such costs and disbursements shall not exceed the sum of thirty dollars, and the decision of the county judge shall be final; but no portion of such account shall be so ordered to be paid which shall appear to such judge to have arisen from the wilful neglect or misconduct of the claimant. The account with the oath of the party claiming the same shall be prima facie evidence of the correctness thereof. The county judge may adjourn the hearing from time to time, as justice shall seem to require.

§ 862. Duty of trustees to carry out order. It shall be the duty of the trustees of any school district, within thirty days after service upon them or upon the district clerk of a copy of an order of the county judge and notice thereof to them or any two of them, to cause the same to be entered at length in the book of record of said district, and to raise the amount thereby directed to be paid, by a tax upon the district, to be by them assessed and levied in the same manner as a tax voted by the district.

ARTICLE 33-A

(*Added by L.* 1917, *ch.* 786, *in effect June* 8, 1917.)

Board of Education in the Several Cities of the State

Section 865. Board of education.
866. Board of education; eligibility; how chosen; term of office; vacancies.
867. Meetings of board of education.
868. Powers and duties of board of education.
869. Superintendent of schools.
870. Powers and duties of superintendent of schools.
871. Board of examiners.
872. Appointment of associate, district or other superintendents, teachers, experts and other employees; their salaries, et cetera.
872-a. Retirement of employees of board of education.
873. Local school board districts.
874. Bonds of employees.
875. Buildings, sites, et cetera.
876. Purchase and sale of real property.
877. Education budget.
878. Tax election.
879. Bond issue.
880. Funds; custody and disbursement of.
881. Continuation in office of boards, bureaus, teachers, principals and other employees.

§ 865. Board of education. 1. A board of education is hereby established in each city of the state. The educational affairs in each city shall be under the general management and control of a board of education to consist of not less than three and not more than nine members, to be chosen as hereinafter provided, and to be known as members of the board of education. The number of members on the board of education of each city shall be as follows:

a. A city having nine members or less on its board of education shall continue to have such number of members on said board as such board contains at the time this law goes into effect.

b. A city having a population of one million or more shall have a board of education to consist of seven members.

c. In all other cities of the state the number of members of the board of education shall be nine.

2. A board of education in office at the time this law goes into effect except as hereinafter provided shall continue in office and possess the powers and duties of a board of education under this article until its successor shall be chosen as provided herein.

3. The provisions of this act shall apply to and govern the operation and administration of the public school system and other educational affairs in a city which is created after this act goes into effect. The authorities in charge of the operation and administration of the schools and other educational affairs of the school districts included within such city at the time the act creating such city goes into effect shall continue in charge thereof until the first Tuesday in May thereafter. On such first Tuesday in May a board of education consisting of five members shall be elected at the annual school election in accordance with the provisions of this chapter. One member of such board shall be elected for one year, one member for two years, one member for three years, one member for four years, and one member for five years from the said first Tuesday of May. As their terms expire their successors shall be chosen for a full term of five years. [*Added by L.* 1917, *ch.* 786, *in effect June* 8, 1917.]

§ 866. Board of education; eligibility; how chosen; term of office; vacancies. 1. No person shall be eligible to the office of member of a board of education who is not a citizen of the United States and who has not been a resident of the city for which he is chosen for a period of at least three years immediately preceding the date of his election or appointment.

2. In a city having a population of one million or more and divided into boroughs, there shall be a board of education consisting of seven members. Two members of such board shall be residents of the borough having the largest population, two shall be residents of the borough having the second largest population, and one shall be a resident of each of the other boroughs in such city. The mayor shall appoint such members on the first Wednesday in January, nineteen hundred and eighteen, and in appointing them shall designate the terms of office of such members so that the term of one member shall expire on the first Tuesday in May, nineteen hundred and nineteen; one on the first Tuesday in May, nineteen hundred and twenty; one on the first Tuesday in May, nineteen hundred and twenty-one; one on the first Tues-

day in May, nineteen hundred and twenty-two; one on the first Tuesday in May, nineteen hundred and twenty-three; one on the first Tuesday in May, nineteen hundred and twenty-four; and one on the first Tuesday in May, nineteen hundred and twenty-five. Their successors shall be chosen for full terms of seven years. Thereafter, as vacancies occur on such board they shall be filled from the several boroughs so that each borough shall always be represented on such board as required under this subdivision. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term.

3. In each city in which the law provides, prior to the time this article goes into effect, that the members of the board of education shall be chosen by vote of the people at an election separate from the general or municipal election, the members of the board of education of that city shall hereafter be elected by the voters at large at the annual school election.

4. In each city in which the law provides, prior to the time this article goes into effect, that the members of the board of education shall be chosen by vote of the people at a general or municipal election, the members of such board of education shall continue to be so chosen by the voters at large at either a general or municipal election, or at both, and for the terms prescribed by such law.

5. In each other city of the state members of the board of education shall be appointed from the city at large by the mayor except as otherwise provided herein, but in a city having a population of four hundred thousand or more and less than one million, such appointments shall be subject to confirmation by the council. The members of the board of education in a city having a population of four hundred thousand or more and less than one million shall be appointed by the mayor on January fifteenth, nineteen hundred and eighteen, subject to confirmation by the council, for terms of one, two, three, four and five years from the first Tuesday in May, nineteen hundred and seventeen, and their successors shall be appointed as provided herein for five years.

6. If the number of members on a board of education in a city in which the members of such board are chosen at an annual school, general or municipal election exceeds nine, no person shall be elected to membership thereon as vacancies occur until the number of members on such board shall be less than nine.

7. If the number of members on a board of education in a city in which the members of such board are appointed by the mayor

exceeds nine, the term of office of each member of such board shall cease and terminate when this act takes effect, except as otherwise provided herein, and the mayor in each of such cities shall thereupon appoint a board of education to consist of nine members. Such members shall be appointed for the following terms: two members to serve until the first Tuesday in May, nineteen hundred and eighteen; two to serve until the first Tuesday in May, nineteen hundred and nineteen; two until the first Tuesday in May, nineteen hundred and twenty; two until the first Tuesday in May, nineteen hundred and twenty-one, and one until the first Tuesday in May, nineteen hundred and twenty-two. As their terms expire, their successors shall be chosen for a full term of five years.

8. The persons either elected or appointed to membership for a full term on a board of education, and their successors in office, shall be elected or appointed for terms of five years each, except as otherwise provided in this act.

9. In a city having less than five members on its board of education the term of office of such members shall be for the period of time specified in the law in effect prior to the time this act goes into effect. As the terms of office of such members expire their successors shall be chosen for like terms.

10. (a) When vacancies occur in a board of education by expiration of term, prior to the first Tuesday in May, nineteen hundred and twenty-one, in a city in which the members of such board are elected at the annual school election held on the first Tuesday in May, such vacancies shall be filled for such terms that the terms of one-fifth, or as near as may be, of all members of such board shall expire on the first Tuesday in May, nineteen hundred and twenty-one and annually thereafter.

(b) Where such vacancies have been filled by appointment by the mayor as required herein since June eighth, nineteen hundred and seventeen, or shall be hereafter so filled, the mayor shall designate the terms for which such persons so appointed are to hold office so that the terms of one-fifth, or as near as may be, of the members of such board shall expire on the first Tuesday in May, nineteen hundred and twenty-one and annually thereafter.

(c) The persons so elected or appointed shall take office immediately thereafter, except as otherwise provided herein. [*Subd. a amended by L.* 1918, *ch.* 252, *in effect April* 17, 1918.]

11. If a vacancy occurs other than by expiration of term of office in the office of a member of a board of education in a city in which such members are elected at a school, or general, or municipal election, such vacancy shall be filled by appointment by the mayor until the next annual school election is held, and such vacancy shall then be filled at such election for the unexpired portion of such term.

12. If such vacancy occurs in such office in a city in which the members of the board of education are appointed by the mayor, such vacancy shall be filled by appointment by the mayor of such city for the unexpired portion of such term, but in a city having a population of four hundred thousand or more and less than one million, such appointment shall be subject to confirmation by the council. [*Added by L.* 1917, *ch.* 786, *in effect June* 8, 1917.]

§ 867. Meetings of board of education. 1. The annual meeting of a board of education shall be held on the second Tuesday in May, at four o'clock in the afternoon, at which meeting the board shall select a president for the ensuing year.

2. Each of such boards shall also fix the day and hour for holding regular board meetings which shall be at least as often as once each month and shall also prescribe a method for calling special meetings of such board. [*Amended by L.* 1918, *ch.* 252, *in effect April* 17, 1918.]

§ 868. Powers and duties of board of education. Subject to the provisions of this chapter, the board of education in a city shall have the power and it shall be its duty

1. To perform any duty imposed upon boards of education or trustees of common schools under this chapter or other statutes, or the regulations of The University of the State of New York or the commissioner of education so far as they may be applicable to the school or other educational affairs of a city, and not inconsistent with the provisions of this article.

2. To create, abolish, maintain and consolidate such positions, divisions, boards or bureaus as, in its judgment, may be necessary for the proper and efficient administration of its work; to appoint a superintendent of schools, such associate, district and other superintendents, examiners, directors, supervisors, principals, teachers, lecturers, special instructors, medical inspectors, nurses, auditors, attendance officers, secretaries, clerks, janitors and other employees and other persons or experts in educational,

social or recreational work or in the business management or direction of its affairs as said board shall determine necessary for the efficient management of the schools and other educational, social, recreational and business activities; and to determine their duties except as otherwise provided herein.

3. To have the care, custody, control and safekeeping of all school property or other property of the city used for educational, social or recreational work and not specifically placed by law under the control of some other body or officer, and to prescribe rules and regulations for the preservation of such property.

4. To purchase and furnish such apparatus, maps, globes, books, furniture and other equipment and supplies as may be necessary for the proper and efficient management of the schools and other educational, social and recreational activities and interests under its management and control. To provide textbooks or other supplies to all the children attending the schools of such cities in which free textbooks or other supplies are lawfully provided prior to the time this act goes into effect.

5. To establish and maintain such free elementary schools, high schools, training schools, vocational and industrial schools, kindergartens, technical schools, night schools, part-time or continuation schools, vacation schools, schools for adults, open air schools, schools for the mentally and physically defective children or such other schools or classes as such board shall deem necessary to meet the needs and demands of the city.

6. To establish and maintain libraries which may be open to the public, to organize and maintain public lecture courses, and to establish and equip playgrounds, recreation centers, social centers, and reading rooms from such funds as the education law or other statutes authorize and the state appropriates for such purposes, and from such other funds as may be provided therefor from local taxation or other sources.

7. To authorize the general courses of study which shall be given in the schools and to approve the content of such courses before they become operative.

8. To authorize and determine the textbooks to be used in the schools under its jurisdiction, but in a city having a board of superintendents, the books thus authorized and determined shall be from lists recommended by such board.

9. To prescribe such regulations and by-laws as may be necessary to make effectual the provisions of this chapter and for the conduct of the proceedings of said board and the transaction of its business affairs for the general management, operation, control, maintenance and discipline of the schools, and of all other educational, social or recreational activities and other interests under its charge or direction.

10. To perform such other duties and possess such other powers as may be required to administer the affairs placed under its control and management, to execute all powers vested in it, and to promote the best interests of the schools and other activities committed to its care. [*Added by L.* 1917, *ch.* 786, *in effect June* 8, 1917.]

§ 869. Superintendent of schools, associate superintendents, board of superintendents. The superintendent or an associate superintendent of schools of a city in office when this article goes into effect shall hold his position for the term for which he was chosen and until his successor is chosen. A superintendent or associate superintendent appointed after this article goes into effect shall hold his position in a city of the first class for a period of six years from the date of his appointment subject to removal for cause and in all other cities subject to the pleasure of the board of education. In a city having a population of one million or more there shall be eight associate superintendents, and the superintendent of schools and such associate superintendents shall constitute a board of superintendents. The superintendent of schools shall be the chairman of such board. A superintendent or an associate superintendent may vacate his position by filing a written resignation with the board of education. No person shall be eligible to the position of superintendent of schools or associate, district or other superintendent of schools or a member of the board of examiners unless he is

1. A graduate of a college or university approved by The University of the State of New York, and has had at least five years' successful experience in the teaching or in the supervision of public schools since graduation; or

2. A holder of a superintendent's certificate issued by the commissioner of education under regulations prescribed by the

regents of The University of the State of New York, and has had at least ten years' successful experience in teaching, or in public school administration, or equivalent educational experience approved by the commissioner of education. [*Added by L.* 1917, *ch.* 786, *in effect June* 8, 1917.]

§ 870. Powers and duties of superintendent of schools. The superintendent of schools of a city shall possess, subject to the by-laws of the board of education, the following powers and be charged with the following duties:

1. To enforce all provisions of law and all rules and regulations relating to the management of the schools and other educational, social and recreational activities under the direction of the board of education, to be the chief executive officer of such board and the educational system, and to have a seat in the board of education and the right to speak on all matters before the board, but not to vote.

2. To prepare the content of each course of study authorized by the board of education, but in a city having a board of superintendents the content of each of such courses shall be prepared and recommended by the board of superintendents, submitted to the board of education for its approval and, when thus approved, the superintendent or board of superintendents, as the case may be, shall cause such courses of study to be used in the grades, classes and schools for which they are authorized.

3. To recommend suitable lists of textbooks to be used in the schools, but in a city having a board of superintendents such board of superintendents shall recommend to the board of education such lists.

4. To have supervision and direction of associate, district and other superintendents, directors, supervisors, principals, teachers, lecturers, medical inspectors, nurses, auditors, attendance officers, janitors and other persons employed in the management of the schools or the other educational activities of the city authorized by this chapter and under the direction and management of the board of education; to transfer teachers from one school to another, or from one grade of the course of study to another grade in such course, and to report immediately such transfers to said board for its consideration and action, but in a city having a board of superintendents such transfers shall be made upon the recommendation of such board; to report to said board of education violations of regulations and cases of insubordination, and to sus-

pend an associate, district or other superintendent, director, supervisor, expert, principal, teacher or other employee until the next regular meeting of the board, when all facts relating to the case shall be submitted to the board for its consideration and action.

5. To have supervision and direction over the enforcement and observance of the courses of study, the examination and promotion of pupils, and over all other matters pertaining to playgrounds, medical inspection, recreation and social center work, libraries, lectures and all the other educational activities and interests under the management, direction and control of the board of education, but in a city having a board of superintendents rules and regulations for the promotion and graduation of pupils shall be made by such board.

6. To issue such licenses to teachers, principals, directors and other members of the teaching and supervising staff as may be required under the regulations of the board of education in cities in which such board requires its teachers to hold qualifications in addition to or in advance of the minimum qualifications required under this chapter. In a city having a board of examiners, such licenses shall be issued on the recommendation of such board [*Added by L.* 1917, *ch.* 786, *in effect June* 8, 1917.]

§ 871. Board of examiners. In a city having a population of one million or more there shall be a board of examiners to consist of four members. No person while in the supervising or teaching service in the city shall serve on such board. It shall be the duty of the board to hold examinations whenever necessary, to examine all applicants who are required to be licensed or to have their names placed upon eligible lists for appointment in the schools in such city, except examiners, and to prepare all necessary eligible lists. Eligible lists shall not be merged and one eligible list shall be exhausted before nominations are made from a list of subsequent date. No eligible lists, except a principals' eligible list shall remain in force for a longer period than three years. The board of examiners may employ temporary assistants at a compensation fixed by the board of education. It shall perform such other duties as the board of education may require. [*Added by L.* 1917, *ch.* 786, *in effect June* 8, 1917.]

§ 872. Appointment of district or other superintendents, teachers and other employees; their salaries, et cetera. 1. District superintendents, directors, supervisors, principals, teachers and all other members of the teaching

and supervising staff, except associate superintendents annd examiners, authorized by section eight hundred and sixty-eight of this article, shall be appointed by the board of education, upon the recommendation of the superintendent of schools, but in a city having a board of superintendents on the recommendation of such board, for a probationary period of not less than one year and not to exceed three years; such period to be fixed by the board of education in its discretion. The service of a person appointed to any of such positions may be discontinued at any time during such probationary period, on the recommendation of the superintendent of schools, and in a city having a board of superintendents on the recommendation of such board, by a majority vote of the board of education.

2. Associate superintendents, examiners and all other employees authorized by section eight hundred and sixty-eight of this article, except as otherwise provided in subdivision one of this section, shall be appointed by the board of education.

3. At the expiration of the probationary term of a person appointed for such term, the superintendent of schools, and, in a city having a board of superintendents, such board shall make a written report to the board of education recommending for permanent appointment those persons who have been found competent, efficient and satisfactory. Such persons and all others employed in the teaching, examining or supervising service of the schools of a city, who have served the full probationary period, or have rendered satisfactorily an equivalent period of service prior to the time this act goes into effect shall hold their respective positions during good behavior and efficient and competent service, and shall not be removable except for cause after a hearing by the affirmative vote of a majority of the board. In a city in which teachers have not permanent tenure under the laws in force prior to the time this act goes into effect, such teachers shall be entitled to receive permanent appointments after serving the probationary period fixed by the board of education as herein provided.

4. No principal, supervisor, director, or teacher shall be appointed to the teaching force of a city who does not possess qualifications required under this chapter and under the regulations prescribed by the commissioner of education for the persons employed in such positions in the schools of the cities of the state, but a board of education may prescribe additional or higher qualifications for the persons employed in any of such positions.

5. In a city having a population of four hundred thousand or more, recommendations for appointment to the teaching and supervising service, except for the position of superintendent of schools, associate superintendent or district superintendent, or director of a special branch, principal of or teacher in a training school, or principal of a high school, shall be from the first three persons on appropriate eligible lists prepared by the board of examiners. Eligible lists in force at the time this act takes effect and the relative standing of persons whose names are on said lists shall not be affected by the passage of this act. The board of education, on the recommendation of the superintendent of schools, and in a city having a board of superintendents on the recommendation of such board, shall designate, subject to the other provisions of this chapter, the kind and grades of licenses which shall be required for service as principal, branch principal, director, supervisor or teacher of a special branch, head of department, assistant or any other position of the teaching staff together with the academic and professional qualifications required for each kind or grade of license. No person required to have a license under the provisions of this chapter in order to be employed in a position who does not have such license shall have any claim for salary.

6. The salaries of all members of the supervising and teaching force and of all employees and for all positions authorized under section eight hundred and sixty-eight of this act shall continue to be on the same basis as such salaries and positions are when this article goes into effect, and such salaries shall continue to be regulated and increased in the same manner, by the same provisions of law and under the same conditions as such salaries are regulated and increased under the laws governing such salaries at the time this article goes into effect. Rules and regulations shall be adopted governing excusing of absences and for the granting of leaves of absence either with or without pay. [*Added by L.* 1917, *ch.* 786, *in effect June* 8, 1917.]

§ 872-a. Retirement of employees of board of education. The board of education in a city having a population of one hundred thousand or more shall have power to establish a retirement system for all civil employees permanently employed by said board other than superintendents and teachers who may now be retired under the provisions of other retirement laws. The board of education of such city shall adopt appro-

priate rules and regulations for the government, management and control of the retirement of said employees. Before they become effective such rules and regulations must be approved by the board of estimate and apportionment in a city having such body, and in a city not having such body by the common council or such other officers or bodies as have the management and control of financial affairs similar to that exercised by such board of estimate and apportionment. The board of estimate and apportionment in a city having such body, and in other cities the officers or bodies performing the functions similar to those of a board of estimate and apportionment, shall appropriate annually the sum necessary to pay the expenses of the administration of this act and to also pay such amount to the employees herein described as they shall be entitled to receive annually under the rules and regulations prescribed by the board of education and approved by the said board of estimate and apportionment or other authorities. In no event shall the rules and regulations prescribed by the board of education and approved by the board of estimate and apportionment or other authorities named herein provide for the annual payment of a sum to exceed fifty per centum of the average annual salary of an employee for the ten years of service immediately preceding his retirement. [*Added by L.* 1918, *ch.* 496.]

§ 873. Local school board districts. 1. The local school board districts in a city having a population of one million or more are hereby continued as they exist at the time this article goes into effect subject, however, to the provisions contained herein. The board of education of such city may modify the boundaries of such districts, consolidate two or more of such districts, and establish new districts.

2. There shall be in each of such districts a local school board of five members appointed by the president of the borough in which such district is located. The board of education shall designate as a member of a local school board one member of the board of education and the city superintendent of schools shall assign one district superintendent to advise with such board.

3. The members of such local school boards in office prior to the time this artcle goes into effect shall serve for the term for which they were appointed. The full term of office of a member of such board shall be five years. A vacancy on such board shall be filled by the borough president for the unexpired term.

4. Subject to the provisions of this chapter a local school board shall within its district have the power and it shall be its duty to visit the schools at least once every quarter; to make recommendations to the board of education with respect to matters affecting the interests of the schools; subject to the by-laws of the board of education, to transfer teachers from school to school, to excuse absences of teachers, to hear charges against principals or teachers and make recommendations thereon to the board of education, and to perform such other duties as may be required under said by-laws; to provide by-laws regulating the exercise of the powers and duties vested in it, provided such by-laws are not in conflict with the by-laws of the board of education; to elect a secretary and determine his duties. The secretary is hereby authorized to administer oaths and take affidavits in all matters pertaining to the schools in his district, in which a local school board has power to act, and for that purpose shall possess all the powers of a commissioner of deeds, but shall not be entifled to any fees or emoluments thereof. The board of education shall provide for the expenses of a local school board and for its places of meeting. [*Added by L.* 1917, *ch.* 786, *in effect June* 8, 1917.]

§ 874. Bonds of employees. The board of estimate and apportionment of a city or in a city having no board of estimate and apportionment the body or officer performing the duties performed by a board of estimate and apportionment which may now legally require bonds of such employees may continue to require bonds of such employees in such amount as such board of estimate and apportionment or other body or officer shall determine. In all other cities bonds may be required of such employees by the board of education. The premiums on such bonds shall be paid by the city. [*Added by L.* 1917, *ch.* 786, *in effect June* 8, 1917.]

§ 875. Buildings, sites, et cetera. 1. A board of education is authorized and it shall have power to purchase, repair, remodel, improve or enlarge school buildings or other buildings or sites, and to construct new buildings, subject to such limitations and restrictions and exceptions as are herein provided.

2. Whenever in the judgment of a board of education it is necessary to select a new site, or to enlarge a present site, or to designate a playground or recreation center, or to acquire title to or lease real property for other education purposes authorized by this chapter, such board may take options on property desirable

for such purposes but before taking title thereto shall pass a resolution stating the necessity therefor, describing by metes and bounds the grounds or territory desired for each of these purposes, and estimating the amount of funds necessary therefor. An item for such amount if funds are not available for the purchase or lease of such property may be included in the next annual budget if not included in a special budget as herein provided.

3. Whenever in the judgment of a board of education the needs of the city require a new building for school purposes or for recreation or other educational purposes authorized by this chapter, or when in its judgment a building should be remodelled or enlarged, such board shall pass a resolution specifying in detail the necessity therefor and estimating the amount of funds necessary for such purpose. An item for such amount if funds are not available for the construction of such building may be included in the next annual budget if not included in a special budget as herein provided.

4. No site shall be designated except upon a majority vote of a board of education and no building shall be constructed, remodelled or enlarged until the plans and specifications therefor are approved by the board of education:

5. After a site has been selected and plans and specifications for a building thereon have been approved as provided herein, a board of education in a city having a population of more than four hundred thousand but less than one million may, in its discretion, by regulation deliver such plans and specifications to the council which may thereupon, in its discretion, award a contract for the erection of such building in the same manner and in accordance with the provisions of law regulating the awarding of contracts for the construction of municipal buildings of such city.

6. In a city of the second class in which the common council, the board of estimate and apportionment and the board of contract and supply and the commissioner of public works or other city officials, or any one or more thereof, has the authority under the law in force prior to the time this act takes effect to erect, remodel, improve, or enlarge school buildings or to purchase supplies or real property for any school purpose, such officers, board or boards shall continue to possess such powers and duties and to perform such functions.

7. When the real property of a city under the control and management of the board of education is no longer needed for

educational purposes in the city, such board shall notify the common council of such fact and in a city having no common council, the council or the commissioners of the sinking fund, and such common council or such council or such commissioners of the sinking fund, as the case may be, may then sell or dispose of such property in the manner in which other real property owned by the city may be sold or disposed of and the proceeds thereof shall be credited to the funds under the control and administration of the board of education in such city, except that in cities where the proceeds of such sales are required by statute, in effect prior to the time this article goes into effect, to be paid to the credit of the sinking fund established and maintained therein, the proceeds of such sales shall continue to be paid to the credit of the sinking fund of such city or cities as required by statute, and except that in a city having a council or a board of estimate and apportionment, such council or board may, by resolution, authorize the use of the proceeds of such sale for other municipal purposes.

8. No contract for the purchase of supplies, furniture, equipment, or for the construction or the alteration or remodelling of any building shall be entered into by a board of education involving an expenditure or liability of more than one thousand dollars unless said board shall have duly advertised for estimates for the same and the contract in each case shall be awarded to the lowest responsible bidder furnishing the security as required by such board. [*Added by L.* 1917, *ch.* 786, *in effect June* 8, 1917.]

§ 876. Purchase and sale of real property. The board of education may purchase real property for any of the purposes authorized by law and shall take title thereof in the name of the city, or when the boundaries of a city and a city school district are not coterminous, in the name of the city school district, and when the owner of such property refuses to sell the same or such board is unable to agree with the owner of such property on the purchase price thereof, it shall have the power and authority to institute such proceedings and take any action necessary to acquire title to such property under and pursuant to the provisions of the condemnation law, city charter, or of any special statute authorizing proceedings to acquire title by right to eminent domain, except that in a city in which the common council, board of contract and supply or other city officers or body are authorized and empowered by law to acquire title to

real property for school purposes under the laws in force at the time this act goes into effect, said council, board, officers or body shall continue to possess such powers and shall exercise the same, including the power to condemn real property for said purposes, under the provisions of law relating thereto notwithstanding any of the provisions contained in this act. [*Amended by L.* 1918, *ch.* 252, *in effect April* 17, 1918.]

§ 877. Annual estimate. 1. The board of education in each city having a population of less than one million shall prepare annually an itemized estimate for the current or ensuing fiscal year of such sum of money as it may deem necessary for the purposes stated in this section, after crediting thereto the amount anticipated in the next apportionment of school funds from the state and the estimated amount to be received from all other sources. Such itemized estimate in such cities shall be filed at such times and in such manner as city departments or officers are required to submit estimates for such departments or officers. The board of education in each other city shall prepare annually an itemized estimate for the ensuing fiscal year and file the same on or before the first day of September. Such estimate shall be for the following purposes:

a. The salary of the superintendent of schools, associate, district or other superintendents, examiners, directors, supervisors, principals, teachers, lecturers, special instructors, auditors, medical inspectors, nurses, attendance officers, clerks and janitors and the salary, fees or compensation of all other employees appointed or employed by said board of education.

b. The other necessary incidental and contingent expenses including ordinary repairs to buildings and the purchase of fuel and light, supplies, textbooks, school apparatus, books, furniture and fixtures and other articles and service necessary for the proper maintenance, operation and support of the schools, libraries and other educational, social or recreational affairs and interests under its management and direction. The provisions of this section in regard to the purchase of light shall not apply to a city having a population of one million or more.

c. The remodelling or enlarging of buildings under its control and management, the construction of new buildings for uses authorized by this chapter and the furnishing and equipment thereof, the purchase of real property for new sites, additions to present sites, playgrounds or recreation centers and other educa-

tional or social purposes, and to meet any other indebtedness or liability incurred under the provisions of this chapter or other statutes, or any other expenses which the board of education is authorized to incur.

2. In a city which had, according to the state census of nineteen hundred and fifteen, a population of less than fifty thousand such estimate shall be filed with the clerk of the common council and the common council shall include, except as otherwise provided herein, in the next annual tax and assessment roll of the city the amount specified in such estimate and the same shall be collected in the same manner as other city taxes are collected and shall be placed to the credit of the board of education as herein provided. In each city in which the law provides, prior to the time this article goes into effect, that such assessment shall be included in a school tax and assessment roll, separate and distinct from the annual tax and assessment roll, and at a different time, such assessment shall continue to be included in a school tax and assessment roll, to be prepared and levied at the same time each year as the law provides in respect to said cities prior to the time this article goes into effect. In case more than twenty-five thousand dollars is required to be raised by tax for the purposes specified in paragraph c of subdivision one of this section, the common council, or the board of education, or either, may provide for the submission to the voters of the city, at a tax election, the proposition for the expenditure of such sum or may levy a tax to be payable in installments, for such purposes, and may issue and sell municipal bonds as hereinafter provided. In cities in which the board of education is either appointed, or is elected at a general or municipal election, the submission of such question shall be to the voters of such city at either a general or municipal election.

2-a. In the city of Lockport such estimate shall be filed with the clerk of the common council and shall be known as the school budget, and the common council shall include the amount specified in such budget in a school tax and assessment-roll, to be entirely separate and distinct from the annual tax and assessment-roll, and the amount provided therein shall be collected at the same time and in the same manner as other city taxes are collected, and shall be placed to the credit of the board of education as herein provided. [*Added by L.* 1918, *ch.* 484.]

3. In a city of the third class in which the common council, under statutes in effect prior to the time when this act takes effect,

has the power to determine the amount of funds which shall be included in the estimate for the support and maintenance of public schools, and in any such city in which the mayor under such statutes has the power to consider and determine the amounts included in such estimate for the support and maintenance of public schools, such common council and mayor shall have the same power and shall perform the same duties as are required under the statutes in effect prior to the taking effect of this act, and the provisions of such statutes shall continue in full force and effect notwithstanding the provisions of this act. Nothing in this act shall be construed as conferring upon the common council of a city of the third class the power to determine the amount which shall be used for school purposes, which was not specifically conferred upon the common council of such city under the statutes in effect prior to the taking effect of this act. Where the mayor, under a statute in effect prior to the taking effect of his act, reduces or eliminates items in the estimate for the support and maintenance of public schools in the city, he must return such estimate to the board of education, stating his reasons for making such reductions or eliminations, within ten days after the filing of such estimate, and thereupon the board of education may take action on such estimate and may by a three-fourths vote of the members of the board restore the items so reduced or eliminated, and the estimate shall thereupon become effective and the amounts specified therein shall be levied and collected in the same manner as other city taxes are collected.

4. In a city of the second class in which the board of estimate and apportionment has authority, under the statutes in effect prior to the time this act goes into effect, to determine the amount of funds which shall be included for the support and maintenance of public schools in the estimate to be submitted to the common council, and in a city of the first class having a population of less than four hundred thousand, according to the federal census of nineteen hundred and ten, such estimate shall be filed with the mayor. The mayor shall place such estimate before the board of estimate and apportionment at the same time and in the same manner as estimates from city departments or officers are placed before said board of estimate and apportionment, and such estimate shall thereafter be subject to the same consideration, action and procedure as all other estimates from city departments or officers. The said board of estimate and apportionment may

increase, diminish or reject any item contained in said estimate, except for fixed charges for which the city is liable. When such estimate is adopted the board of estimate and apportionment shall file it with the common council.

5. The board of education in each other city of the second class shall file such estimate with the mayor. The common council of each city included within the provisions of this subdivision shall include the amount of such estimate in the tax and assessment roll of the city and the same shall be collected and placed to the credit of the board of education as herein provided, except that a tax for the purposes specified in paragraph c of subdivision one of this section shall be levied payable in installments and bonds therefor shall be issued and sold as hereinafter provided.

6. In a city which had, according to the federal census of nineteen hundred and ten, a population of four hundred thousand or more but less than one million such estimate shall be filed with the officer authorized to receive other department estimates and the same acted on by such officer and by the council of such city in the same manner and with the same effect as other department estimates. The council is also authorized, in its discretion, to include in such budget a sum for any of the purposes enumerated in paragraph c of subdivision one of this section, and any further amount for such purposes as may be authorized by a tax election held in such city pursuant to the provisions of this chapter. After the adoption of such budget the council shall cause the amount thereof to be included in the tax and assessment roll of the city and the same shall be collected in the same manner and at the same time as other taxes of the city are collected, and placed to the credit of the board of education.

7. In a city which had, according to the federal census of nineteen hundred and ten, a population of one million or more such estimate shall be filed with the board of estimate and apportionment. If the total amount requested in such estimate shall be equivalent to or less than four and nine-tenths mills on every dollar of assessed valuation of the real and personal property in such city liable to taxation, the board of estimate and apportionment shall appropriate such amount. If the total amount contained in such estimate shall exceed the said sum of four and nine-tenths mills on every dollar of assessed valuation of the real and personal property in such city liable to taxation, such estimate shall, as to such excess, be subject to such consideration and such

action by the board of estimate and apportionment, the board of aldermen, and the mayor as that taken upon departmental estimates submitted to the board of estimate and apportionment. The board of estimate and apportionment is authorized to make additional appropriations for educational purposes authorized by this chapter. The general school fund shall consist of all moneys raised for the payment of the salaries of all persons employed in the supervising and teaching staff, including the superintendent of schools and all associate, district and other superintendents, members of the board of examiners, attendance officers, supervisor of lectures, lecturers and director and assistant director of the division of reference and research. The special school fund shall contain and embrace all moneys raised for educational purposes not comprised in the general school fund. The general school fund shall be raised in bulk and for the city at large. The board of education shall administer all moneys appropriated or available for educational purposes in the city, subject to the provisions of law relating to the audit and payment of salaries and other claims by the department of finance.

8. A board of education may, to meet emergencies which may arise, submit a special estimate in which items for extraordinary expenses may be submitted to meet such emergencies. Such estimate shall contain a complete statement of the purposes for which the items are requested and the necessity therefor. The same method of procedure shall be followed in submitting such estimate and such estimate shall be subject to the same consideration and action as is required in the submission, consideration and action upon the regular annual estimate submitted by a board of education. The common council in such a city shall have power to make the appropriations requested by a board of education in such special estimate. The common council of a city of the third class, the common council, the board of estimate and apportionment of a city of the second class and, in a city having a population of four hundred thousand or more and less than one million, according to the federal census of nineteen hundred and ten, the council may temporarily borrow the amount appropriated on city certificates of indebtedness or by the issuance of revenue bonds, or other municipal bonds, which certificates of indebtedness or bonds shall be payable at such time and in such manner as shall be provided by general laws or the charter of such city for other certificates of indebtedness or revenue bonds.

9. In cities in which the boundaries of the school district or districts are not coterminous with the city boundaries and in which the board of education, under the provisions of law existing at the time of the passage of this act, is authorized to levy taxes for school purposes, the board of education is hereby authorized and empowered to prepare, fix and determine the education budget for all the purposes set forth in this section, and said board of education shall levy and collect the necessary tax or taxes for all the purposes specified in said budget in accordance with the provisions of the education law. In the event the boundaries of said city or cities are hereafter made coterminous with the school district boundaries this provision shall no longer apply.

10. A board of education shall not incur a liability or an expense chargeable against the funds under its control or the city for any purpose in excess of the amount appropriated or available therefor or otherwise authorized by law.

11. In a city in which, under the statutes in effect prior to the time of the taking effect of this act, it is provided that the estimate of expenditures for the support and maintenance of the public schools of the city shall not be less than a specified per capita sum, based on the number of pupils enrolled in the public schools of the city, the amount authorized or required to be included in the estimate of school expenditures as provided in this act shall not be less than the per capita sum specified in such statute. [*Added by L.* 1917, *ch.* 786, *in effect June* 8, 1917.]

§ 878. Tax election. 1. In a city having a population of less than seventy-five thousand, according to the federal census of nineteen hundred and ten, the board of education may call a tax election, by giving notice thereof as notice is required under the education law of an annual school election and submit to those qualified to vote at such election a proposition to expend a sum of money in excess of twenty-five thousand dollars for any of the purposes enumerated in paragraph c of subdivision one of section eight hundred and seventy-seven of this chapter. The provisions of law relating to and governing annual school elections, including inspectors, notices, qualifications of voters, challenges, hours for keeping polls open, penalties, canvass of votes, filing returns, supplying ballots, and all other matters relating to an annual election shall apply to and govern, so far as may be practicable, a tax election except in a city in which the election of members of the board of education is held at the general

or municipal election. In such cities the law applying to and governing such general or municipal elections shall apply to and govern such tax election.

2. In such a city in which the members of the board of education are elected at the general or municipal election, a tax election for like purposes may be held by direction of the board of education. The provisions of law regulating such general or municipal elections in such cities shall apply to and govern the method of calling and holding tax elections in said cities. [*Added by L.* 1917, *ch.* 786, *in effect June* 8, 1917.]

§ 879. Bond issue. 1. When the common council or the voters of a city authorize an appropriation to be raised by a tax in installments for any of the purposes enumerated in paragraph c of subdivision one of section eight hundred and seventy-seven of this chapter, city bonds shall be issued in the same manner and under the same provisions as other bonds are or may be issued by such city. The principal and interest of such bonds shall be paid out of moneys raised by tax therefor in the same manner as other school moneys are raised, when such bonds and the interest thereon shall become due and payable. In a city having a population of four hundred thousand or more but less than one million, according to the federal census of nineteen hundred and ten, such bonds shall be issued by the council.

2. In a city of the second class and in a city of the first class having a population of less than four hundred thousand, according to the federal census of nineteen hundred and ten, the common council and the board of estimate and apportionment, or other municipal authorities who were authorized and empowered under the laws in force prior to the eighth day of June, nineteen hundred and seventeen, to determine upon the necessity of issuing bonds for any of the purposes enumerated in paragraph c of subdivision one of section eight hundred and seventy-seven of this chapter, shall continue to possess such power and may authorize, issue and sell bonds for any of the purposes so enumerated, in the same manner and with the same force and effect as prior to the said eighth day of June, nineteen hundred and seventeen. [*Amended by L.* 1918, *ch.* 252, *in effect April* 17, 1918.]

3. In a city having a population of four hundred thousand or more but less than one million, the council of such city may, by a vote of four-fifths of its members, authorize from time to time

the issuance of bonds of said city to defray the expense of the construction, improvement and equipment of school buildings or the purchase or acquisition of school sites, which expense shall not have been included in the budget, in such amounts and payable at such times and places and having such rates of interest, not exceeding six per centum per annum, as said council may determine, interest to be paid semi-annually, said bonds, however, to be due in not more than fifty years from their date and to be sold for not less than their par value and accrued interest. Such bonds may be made payable in equal proportions during a number of successive years not exceeding a period of fifty years from their issuance, as the council shall determine. Such bonds shall be issued and sold by the authorities of the city in the same manner that bonds for other municipal purposes are issued and sold and the proceeds of the sale of such bonds shall be paid into the treasury of the city and placed to the credit of the board of education. As such bonds become due the municipal authorities of the city shall include in the tax levy, and assess upon the property of the city, the amount necessary to pay such bonds and interest thereon.

4. In a city having a population of one million or more, the board of estimate and apportionment may in its discretion annually cause to be raised such sums of money as may be required for the purposes enumerated in subdivision c of section eight hundred and seventy-seven of this act, in the manner provided by law for the raising of money for such purposes. [*Added by L.* 1917, *ch.* 786, *in effect June* 8, 1917.]

5. In a city in which the boundaries of the school district or districts are not coterminous with the city boundaries, taxes may be raised in installments and district bonds issued for any of the purposes enumerated in paragraph c of subdivision one of section eight hundred and seventy-seven of this chapter, in the manner provided and under the conditions prescribed by the education law for the levy and collection of taxes in installments and the issue and sale of bonds of union free school districts. [*Added by L.* 1918, *ch.* 252, *in effect April* 17, 1918.]

§ 880. Funds; custody and disbursement of. 1. Public moneys apportioned to a city by the state and all funds raised or collected by the authorities of a city for school purposes or to be used by the board of education for any purpose authorized in this chapter, or any other funds belonging to a city and received from

any source whatsoever for similar purposes, shall be paid into the treasury of such city and shall be credited to the board of education.

2. Such funds shall be disbursed only by authority of the board of education and upon written orders drawn on the city treasurer or other fiscal officer of the city. Such orders shall be signed by the superintendent of schools and the secretary of the board of education or such other officers as the board may authorize. Such orders shall be numbered consecutively and shall specify the purpose for which they are drawn and the person or corporation to whom they are payable.

3. It shall be unlawful for a city treasurer or other officer having the custody of city funds to permit the use of such funds for any purpose other than that for which they are lawfully authorized and such funds shall not be paid out except on audit of the board of education and the countersignature of the comptroller, and in a city having no comptroller by an officer designated by the officer or body having the general control of the financial affairs of such city. The board of education of such city shall make, in addition to such classification of its funds and accounts as it desires for its own use and information, such further classification of the funds under its management and control and of the disbursements thereof as the comptroller of the city, or the officer or body having the general control of the financial affairs of such city, shall require, and such board shall furnish such data in relation to such funds and their disbursements as the comptroller or such other financial officer or body of the city shall require. [*Added by L.* 1917, *ch.* 786, *in effect June* 8, 1917.]

§ 881. Continuation in office of boards, bureaus, teachers, principals and other employees, et cetera. Except as otherwise provided herein the boards, bureaus, teachers, principals, supervisors, superintendents, heads of departments, assistants to principals, examiners, supervisor of lectures, directors and all other officers and employees of the school system or of boards of education of the several cities of the state, lawfully appointed or assigned before this act takes effect, shall continue to hold their respective positions for the term for which they were appointed or until removed as provided in subdivision three of section eight hundred and seventy-two of this article.

2. If a board of education abolishes an office or position and creates another office or position for the performance of duties similar to those performed in the office or position abolished, the person filling such office or position at the time of its abolishment shall be appointed to the office or position thus created without reduction in salary or increment, provided the record of such person has been one of faithful, competent service in the office or position he has filled.

3. If an office or position is abolished or if it is consolidated with another position without creating a new position, the person filling such position at the time of its abolishment or consolidation shall be placed upon a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in an office or position similar to the one which such person filled without reduction in salary or increment, provided the record of such person has been one of faithful, competent service in the office or position he has filled. The names of such persons shall be placed upon such preferred list in the order in which their services have been thus discontinued. [*Added by L.* 1917, *ch.* 786, *in effect June* 8, 1917.]

EFFECT OF CITY SCHOOL LAW; REPEAL.

L. 1917, ch. 786, § 2. City school district.—Each city in which the school district boundaries are coterminous with the city boundaries is hereby declared to be a city school district. In a city in which the city boundaries and the school district boundaries are not coterminous the school district boundaries shall remain as they existed prior to the time this act takes effect and until such time as such school district boundaries may be changed as provided by law. In each city where the school district boundaries are not coterminous with the city boundaries the school district which contains the whole or the greater portion of the inhabitants of the city shall be the city school district of said city and shall be subject to the provisions of this act.

§ 3. Repeal of inconsistent provisions; effect of repeal.—All acts or parts of acts, general or special, inconsistent with the provisions of this act are hereby repealed. The repeal of the acts specified in the schedule hereto annexed, or of such inconsistent acts or parts of such acts, shall not affect any right existing or accrued or any liability incurred prior to the passage of this act, and all acts or parts of acts, general or special, not specifically repealed by this act and not inconsistent with the provisions of this act shall remain in full force and effect.

§ 4. Pending actions or proceedings; existing rules.—The repeal of a law or any part of it specified in the annexed schedule and any provision of this act shall not affect pending actions or proceedings brought by or against the board of education of a city, or by or against a city, in respect to the public

schools thereof, under or in pursuance of any of the provisions of the laws hereby repealed, but the same may be prosecuted or defended in the same manner and for the same purpose by the board of education of the city under the provisions of this chapter as though such laws had not been repealed. The rules and regulations adopted by a board of education in pursuance of any law hereby repealed shall continue in full force and effect notwithstanding such repeal, until the same are modified, amended or repealed by the board of education as provided in this chapter. Nothing in this act shall affect titles to school property, but such property may be held either in the name of the city school district or of the board of education, as provided in this act or in any other act relating to titles to such property.

§ 5. Time of taking effect.— This act shall take effect immediately.

§ 6. Laws repealed.— Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed.

(*Schedule of Laws Repealed is omitted.*)

ARTICLE 34

Appeals or Petitions to Commissioner of Education

Section 890. Appeals or petitions to commissioner of education and other proceedings.
891. Powers of commissioner upon appeals *of petitions, et cetera.
892. Filed papers and copies thereof.

§ 890. Appeals or petitions to commissioner of education and other proceedings. Any person conceiving himself aggrieved may appeal or petition to the commissioner of education who is hereby authorized and required to examine and decide the same; and the commissioner of education may also institute such proceedings as are authorized under this act and his decision in such appeals, petitions or proceedings shall be final and conclusive, and not subject to question or review in any place or court whatever. Such appeal or petition may be made in consequence of any action:

1. By any school district meeting;

2. By any school commissioner and other officers, in forming or altering, or refusing to form or alter, any school district, or in refusing to apportion any school moneys to any such district or part of a district;

* So in original.

3. By a supervisor in refusing to pay any such moneys to any such district;

4. By the trustees of any district in paying or refusing to pay any teacher, or in refusing to admit any scholar gratuitously into any school or on any other matter upon which they may or do officially act.

5. By any trustees of any school library concerning such library, or the books therein, or the use of such books;

6. By any district meeting in relation to the library or any other matter pertaining to the affairs of the district.

7. By any other official act or decision of any officer, school authorities, or meetings concerning any other matter under this chapter, or any other act pertaining to common schools. [*Section renumbered by L.* 1918, *ch.* 252.]

§ 891. Powers of commissioner upon appeals or petitions, et cetera. The commissioner, in reference to such appeals, petitions or proceedings, shall have power:

1. To regulate the practice therein.

2. To determine whether an appeal shall stay proceedings, and prescribe conditions upon which it shall or shall not so operate.

3. To decline to entertain or to dismiss an appeal, when it shall appear that the appellant has no interest in the matter appealed from, and that the matter is not a matter of public concern, and that the person injuriously affected by the act or decision appealed from is incompetent to appeal.

4. To make all orders, by directing the levying of taxes or otherwise, which may, in his judgment, be proper or necessary to give effect to his decision. [*Section renumbered by L.* 1918, *ch.* 252.]

§ 892. Filed papers and copies thereof. The commissioner shall file, arrange in the order of time, and keep in his office, so that they may be at all times accessible, all the proceedings on every appeal or petition to him under this article, including his decision and orders founded thereon; and copies of all such papers and proceedings, authenticated by him under his seal of office, shall be evidence equally with the originals. [*Section renumbered by L.* 1918, *ch.* 252.]

ARTICLE 35
Orphan Schools

Section 900. Schools of orphan asylums.
901. Rules subject to supervision of school authorities.
902. Annual reports.

§ 900. Schools of orphan asylums. The schools of the several incorporated orphan asylum societies in this state, other than those in the city of New York, shall participate in the distribution of the school moneys, in the same manner and to the same extent, in proportion to the number of children educated therein, as the common schools in their respective cities or districts. The schools of said societies shall be subject to the rules and regulations of the common schools in such cities or districts, but shall remain under the immediate management and direction of the said societies as heretofore.

§ 901. Rules subject to supervision of school authorities. Every such asylum may make all laws, rules and regulations relative to the education and discipline of their inmates, as a majority of the trustees thereof at their annual meetings shall think fit and proper; but such laws, rules and regulations shall not be repugnant to the laws of this state in its policy in reference to public and primary instruction, and shall be subject at all times to the inspection and supervision of the several educational officers of the different villages, towns or cities in which such orphan asylums may be located.

§ 902. Annual reports. An annual report shall be made and sworn to by the presiding officer of any such asylum, stating the number of inmates thereof, the time spent by them in pursuing studies therein, in what studies they shall have been instructed, and the manner in which the public funds distributed to it shall have been expended, which shall be filed with the commissioner of education.

ARTICLE 36
Schools for Colored Children

Section 920. No exclusion on account of race or color.
921. Provision for separate schools.
922. Only qualified teachers shall be employed.

(Text of article omitted.)

ARTICLE 37
Indian Schools

Section 940. Duties of commissioner regarding Indian children.
941. Co-operation of Indians shall be sought.
942. Rights of Indians and of state shall be guarded.
943. Indian children not entitled to free tuition in public schools.
944. Employment of teachers, et cetera.
945. Required attendance upon instruction.
946. Duties of persons in parental relation to Indian children.
947. Penalty for failure to send children to school.
948. Persons employing Indian children unlawfully to be fined.
949. Teachers' record of attendance.
950. Attendance officers.
951. Arrest of truants.
952. Commissioner of education to contract for keeping of truants.
953. Enumeration.
954. Payment of services herein required.

(Text of article omitted.)

ARTICLE 38
Instruction of Deaf-Mutes and of the Blind

Section 970. Duties of commissioner of education.
971. Persons eligible as pupils to institutions for instruction of the deaf and dumb.
972. Persons eligible as pupils to institutions for instruction of the blind.
973. Support and term of instruction of state pupils.
974. Regulations for admission.
975. Clothing for state pupils.
976. Aid for blind and deaf students.
977. Indigent deaf-mute children.
978. Deaf-mute children improperly cared for.
979. Maintenance of children.
980. Payment of expenses of tuition and maintenance.

(Text of article omitted.)

ARTICLE 39

New York State School for the Blind

Section 990. Change of name.
991. Requisites for admission.
992. Applicants from without the state.
993. Applications for admission.
994. Object of institution.
995. Appointment and terms of trustees.
996. Filling vacancies.
997. Trustees entitled to mileage; disabilities.
998. General powers of trustees.
999. Officers, committees and seal.
1000. Secretary.
1001. Treasurer's duties and bond.
1002. Appointment of superintendent, instructors and assistants.
1003. Purchase of equipment.
1004. Duty to provide clothing and pay traveling expenses.
1005. Charges against county.
1006. Accounts against counties and payment thereof.
1007. Reimbursement of counties.
1008. Entitled to publications and may receive bequests and donations.
1009. Records and annual reports.
1010. Payments by state treasurer.
1011. Drafts upon state treasury.

(Text of article omitted.)

ARTICLE 39-A

[*Added by L.* 1917, *ch.* 559, *in effect May* 18, 1917.]

Physically Defective Children

§ 1020. Physically defective children. 1. The board of education of each city and of each union free school district, and the board of trustees of each school district shall, within one year from the time this act becomes effective, ascertain, under regulations prescribed by the commissioner of education and approved by the regents of the university, the number of children

in such city or district under the age of eighteen years who are deaf, blind, so crippled or otherwise so physically defective as to be unable to attend upon instruction in regular classes maintained in public schools.

2. The board of education of each city and of each union free school district in which there are ten or more children who are deaf, blind, crippled or otherwise physically defective shall establish such special classes as may be necessary to provide instruction adapted to the mental attainments and physical conditions of such children. Provided, however, that in each city or union free school district in which schools for the deaf, blind, crippled or otherwise physically defective now exist or may hereafter be established, which are incorporated under the laws of the state and are found by the board of education to be adequate to provide instruction adapted to the mental attainments and physical conditions of such children, the board of education shall not be required to supply additional special classes for the children so provided for.

The board of education of such cities or union free school districts is hereby authorized and empowered to contract with such schools for the education of such children in special classes therein. [*Amended by L.* 1918, *ch.* 378, *in effect April* 30, 1918.]

3. The board of education of each city and of each union free school district, and the board of trustees of each school district, which contains less than ten children who are deaf, blind, crippled or otherwise physically defective, is hereby authorized and empowered to contract with the board of education of another city or school district for the education of such children in special classes organized in the schools of the city or district with which such contract is made. [*Added by L.* 1917, *ch.* 559, *in effect May* 18, 1917.]

ARTICLE 40

Cornell University

Section 1030. Cornell university continued.
1031. Trustees; election of trustees.
1032. Extent of farm and grounds; special constables.
1033. Objects and powers of the corporation.
1034. Extent to which property may be held.

Section 1035. Trustees shall make reports; university subject to visitation of regents.
1036. Restrictions on alienation of property.
1037. State scholarships in Cornell university.
1038. New York state veterinary college.
1039. New York state college of agriculture.

(*Text of article omitted.*)

ARTICLE 40-A

[*Article* 40-*A, added by L.* 1917, *ch.* 207, *in effect April* 19, 1917.]

Agricultural Schools

Section 1040. Courses of study; instruction.
1041. Recommendations as to appropriations; expenditures.

§ 1040. Courses of study; instruction. The instruction of pupils attending the schools of agriculture established under the provisions of articles forty-one, forty-one-a, forty-two, forty-two-a, forty-three and forty-five-a of this chapter shall be under the general supervision of the commissioner of education. The commissioner of education is hereby authorized to approve the courses of study to be followed in such schools of agriculture and in the extension work carried on by such schools, including the training of teachers of agriculture. Such directions shall be given by the commissioner to the board of directors or trustees, as the case may be, of each agricultural school, and such board of directors or trustees shall, upon receiving such directions as to such courses of study, cause the same to be followed and the subjects therein prescribed to be taught in such schools. [*Added by L.* 1917, *ch.* 207, *in effect April* 19, 1917.]

§ 1041. Recommendations as to appropriations; expenditures. The commissioner of education shall recommend annually to the legislature the amount of appropriations approved by him as necessary for the maintenance of such agricultural schools and for carrying into effect the purposes for which they were established. The amounts appropriated for the support and maintenance of such schools shall be paid out by the state treasurer upon the warrant and audit of the comptroller and upon vouchers approved by the commissioner of education.

The provisions of this article shall not apply to the New York State College of Agriculture at Cornell University. [*Added by L.* 1917, *ch.* 207, *in effect April* 19, 1917.]

ARTICLE 41

State School of Agriculture at Saint Lawrence University

Section 1050. Corporate name.
1051. Objects and purposes of school.
1052. Supervision and control of school.
1053. Maintenance.

(*Text of article omitted.*)

ARTICLE 41-A

(*Added by L.* 1913, *ch.* 675.)

State School of Agriculture and Domestic Science at Delhi

Section 1055. Establishment of school.
1056. Management and control.
1057. Powers and duties of board of control.
1058. Objects and purposes of school.
1059. Tuition and fees.
1060. Reports.

(*Text of article omitted.*)

ARTICLE 42

State School of Agriculture at Alfred University

Section 1070. Corporate name.
1071. Objects and purposes of school.
1072. Supervision and maintenance of school.

(*Text of article omitted.*)

ARTICLE 42-A

[*Added by L.* 1911, *ch.* 852.]

State School of Agriculture at Cobleskill.

Section 1075. Establishment and corporate name.
1076. Objects and purposes of school.
1077. Management and control of school.
1078. Powers and duties of board of trustees.

(*Text of article omitted.*)

ARTICLE 43

State School of Agriculture at Morrisville

Section 1090. Corporate name.
1091. Objects and purposes of school.
1092. Management and control of school.
1093. Powers and duties of board of trustees.
1094. Power to acquire real estate; proceedings therefor.

(*Text of article omitted.*)

ARTICLE 43-A

[*Added by L.* 1910, *ch.* 441.]

Retirement Fund for Teachers in State Institutions

Section 1095. Retirement of certain teachers in state institutions and institutions receiving state pupils.
1096. Certificate of retirement upon application.
1097. Retirement upon recommendation of governing body of institution where teacher is employed.
1098. Amount to be paid to such retired teacher.
1099. Time and manner of payments.
1099-a. Employment of teachers who have retired.

(*Text of article omitted.*)

ARTICLE 43-B

[*Added by L.* 1911, *ch.* 449.]

State Teachers' Retirement Fund for Public School Teachers

Section 1100. Definitions.
1101. Establishment of state teachers' retirement fund.
1102. State teachers' retirement fund board.
1103. Vacancies; resignations; removal from office.
1104. Officers of board; salaries and expenses; meetings.
1105. State treasurer ex-officio treasurer of fund; investments.
1106. Powers of board.
1107. Rules of board.
1108. Contributions to fund; deductions from salaries.

Section 1108-a. Method of payment into state treasury.
1109. Retirement of teachers.
1109-a. Payment of annuities.
1109-b. Application of article to certain counties, cities and districts; voluntary contributions.
1109-c. Service as school commissioner to be counted.

§ 1100. Definitions. The word "teacher" as used in this article includes teachers and principals employed in public schools of the cities and school districts of the state and in schools on the Indian reservations, and shall also include superintendents employed as provided by law in cities and union free school districts having a population of five thousand or more, and district superintendents of schools appointed as provided by law in the supervisory districts of the several counties of the state. Services as such district superintendents or as school commissioners shall be deemed to be teaching in the public schools within the meaning of this article. The words "retirement fund" as used in this article shall mean the New York state teachers retirement fund for public school teachers as established by this article. The term "school commissioner" as used in any section of this article shall be deemed to mean the district superintendent of schools. [*Added by L.* 1911, *ch.* 449, *and amended by L.* 1913, *ch.* 511.]

§ 1101. Establishment of state teachers' retirement fund. There is hereby established the New York state teachers' retirement fund for public school teachers which shall consist of:

1. All contributions made by teachers, school districts and cities, as hereinafter provided.

2. The income or interest derived from the investment of the moneys contained in such fund.

3. All donations, legacies, gifts and bequests which shall be made to such fund, and all moneys which shall be obtained from other sources for the increase of such fund.

4. Appropriations made by the state legislature from time to time to carry into effect the purposes of such fund, and which appropriations when made shall be paid into such fund and may be expended in the same manner as other moneys belonging thereto. [*Added by L.* 1911, *ch.* 449, *and amended by L.* 1914, *ch.* 44.]

§ 1102. State teachers' retirement fund board. The state teachers' retirement fund board shall consist of five members to be appointed by the commissioner of education as hereinafter provided. One of such members shall be, at the time of his appointment, a superintendent of schools in a city or district; one shall be at the time of his appointment an academic principal, and one shall be at the time of his appointment a teacher engaged in teaching in an elementary school. At least one of such members shall be a woman teacher in the public schools. Such appointments shall be made within ten days after this act takes effect. The members of such board first appointed shall hold office for terms of one, two, three, four and five years from January first, nineteen hundred and twelve, to be designated by the commissioner of education when he appoints such members. Their successors shall be appointed for terms of five years. A vacancy occurring in the office of any member shall be filled for the unexpired term. [*Added by L.* 1911, *ch.* 449.]

§ 1103. Vacancies; resignations; removal from office. A vacancy in the office of a member of the board shall be created by death, resignation, refusal to serve, removal from office, or absence from the state for a period of one year. A member of such board may resign by written resignation submitted to the commissioner of education and accepted by him. The commissioner of education may remove a member of such board for cause, after service upon him of written charges and an opportunity to be heard in defense thereof. [*Added by L.* 1911, *ch.* 449.]

§ 1104. Officers of board; salaries and expenses; meetings. There shall be a president, vice-president and secretary of such board, to be elected by a majority vote of the members of the board. The president and vice-president shall be elected for terms of one year. The term of office of the secretary shall be fixed by the board. The secretary need not be a member of the board. His salary or compensation shall be prescribed by the board, not exceeding two thousand dollars a year, subject to the approval of the commissioner of education. The members of the board shall serve without compensation, but they shall be entitled to their expenses actually incurred in attending the meetings of the board and in performing services as members thereof.

The board shall meet annually in the education building at Albany, on the second Wednesday in January, and shall have stated meetings at the same place, at least once in each three months, as

determined by the regulations of the board. If a member of the board be absent from two consecutive stated meetings without a reasonable excuse for such absence, accepted by the board, his office shall be declared vacant by the commissioner of education, upon notice being received by him of such unexcused absences, and such vacancy shall be filled as hereinbefore provided. [*Added by L.* 1911, *ch.* 449.]

§ 1105. State treasurer ex-officio treasurer of fund; investments. The state treasurer shall be ex-officio treasurer of the retirement fund and shall be the custodian thereof. The moneys belonging thereto shall be deposited by him in banks or trust companies and the law relating to the deposit of state funds in such banks and trust companies shall apply so far as may be to the deposit of moneys belonging to the said retirement fund. The state teachers' retirement fund board shall determine from time to time as to what portion of the retirement fund shall be permanently invested. Such fund shall only be invested in those securities in which the trustees of a savings bank may invest the moneys deposited therein, as provided by section one hundred and forty-six of the banking law. When such board shall determine that any portion of said fund should be so invested, it shall by resolution, duly adopted by a majority vote of the members of the board, direct the treasurer to invest such portion of the fund in any of said securities. [*Added by L.* 1911, *ch.* 449.]

§ 1106. Powers of board. The state teachers' retirement fund board, subject to the provisions of this article and of any other statute, shall have power:

1. To appoint and employ such officers and employees as may be necessary to carry into effect the provisions of this article, and fix their compensation.

2. To prescribe the duties of its secretary and other officers and employees.

3. To conduct investigations into all matters relating to the operation of this article, and subpœna witnesses and compel their attendance to testify before it in respect to such matters, and any member of the board may administer oaths or affirmations to such witnesses.

4. To require boards of education, trustees, and other school authorities, and all officers, having duties to perform in respect to contributions by teachers to the retirement fund, to report to the board from time to time, as to such matters pertaining to the pay-

ment of such contributions, as it shall deem advisable, and may prescribe the form of such reports.

5. To draw its warrants upon the state treasurer for the payment of annuities to teachers who have been retired as provided in this article, and for the purchase of such securities as the board shall have decided to purchase as provided in this article. No payments shall be made from the teachers' retirement fund except by warrant signed by the president of the board, drawn after resolution duly adopted at a meeting of the board by a majority of its members, which adoption shall be attested by the secretary of the board. [*Added by L.* 1911, *ch.* 449.]

§ 1107. Rules of board. The state teachers' retirement fund board shall make rules not inconsistent with the provisions of this article which, when approved by the commissioner of education, shall have the force and effect of law. Such rules shall

1. Provide for the conduct and regulation of the meetings of the board and the transaction of the business thereof.

2. Provide for the enforcement and carrying into effect of the provisions of this article.

3. Prescribe the manner of payment of contributions by teachers to the retirement fund, and the payment of annuities therefrom.

4. Establish a system of accounts showing the condition of such fund, and receipts and expenditures.

5. Prescribe the method of making payments from such fund to annuitants and giving receipts for such payments.

6. Prescribe the forms of warrants, vouchers, receipts, reports and accounts to be used by annuitants and officers having duties to perform in respect to such fund.

7. Regulate the duties of boards of education, trustees, and other officers imposed upon them by this article, in respect to the contributions by teachers to the retirement fund, and the deduction of such contributions from teachers' salaries. [*Added by L.* 1911, *ch.* 449.]

§ 1108. Contributions to fund; deductions from salaries. All teachers employed in the public schools in this state except in those counties, districts or cities in which provision is already made by statute for the retirement of public school teachers and the payment of annuities or pensions to such teachers, who enter into contracts for such employment after the date on which this act takes effect, shall contribute to the teachers'

retirement fund one per centum of the salaries to be paid to such teachers annually according to the terms of such contracts. District superintendents of schools shall contribute to such funds one per centum of the salaries received by them for their services, either from the state or from the towns comprising their supervisory districts, as provided by law. On and after such date all such contracts shall be deemed to have been made subject to the provisions of this article, and the requirement as to such contribution shall become a part of and enter into all such contracts. All school districts and cities shall contribute to such fund an amount equal to that contributed, as above provided, by the teachers employed in the public schools of such districts and cities, to be deducted from the public moneys apportioned thereto by the commissioner of education.

Boards of education, trustees and other school authorities having duties to perform in respect to the payment of salaries to public school teachers in their districts or cities, shall cause to be deducted from each warrant or order issued to any of such teachers for the payment of the salary of such teachers, the amount due by such teacher to the teachers' retirement fund. The commissioner of education shall cause to be deducted from the salaries paid to teachers employed in schools on the Indian reservations and to district superintendents of schools the amount required to be contributed by them to the teachers' retirement fund, and shall cause the same to be paid into such fund. [*Added by L.* 1911, *ch.* 449, *and amended by L.* 1913, *ch.* 511, *and by L.* 1914, *ch.* 44.]

§ 1108-a. Method of payment into state treasury. 1. The district superintendent of each supervisory district shall include in his annual report to the commissioner of education, a statement showing the amount required to be deducted from the salaries of teachers in each school district under his supervision, under section eleven hundred and eight of this act.

2. The superintendent of schools of each city shall also include in his annual report to the commissioner of education, a statement showing the amount required to be deducted under the provisions of section eleven hundred and eight of this act from the salaries of teachers employed in such city.

3. The district superintendent of each supervisory district and the superintendent of each city shall file with the treasurer of the county in which such supervisory district or city is located,

a statement showing the amount respectively reported by them to the commissioner of education as provided in subdivisions one and two of this section as being the amount required to be deducted from the salaries of teachers in their respective supervisory districts and cities under the provisions of section eleven hundred and eight of this act. Such statements to the county treasurer shall also respectively show the aggregate amount required to be so deducted from the salaries of teachers employed in each town in such supervisory district and from the salaries of teachers employed in each city.

4. The district superintendent of each supervisory district shall file with the supervisor of each town within such supervisory district at the time he files his certificate of apportionment of public school moneys, a statement showing the amount required to be deducted from the salaries of the teachers employed in each school district in such town. The superintendent of each city shall file with the chamberlain or treasurer of such city a duplicate of the certificate which he is required to file with the county treasurer under subdivision three of this section.

5. When the commissioner of education apportions the money appropriated by the legislature for the support of common schools to the several counties of the state, he shall cause to be determined from the official reports of district and city superintendents the amount required to be deducted from the salaries of the teachers employed in each county who come under the provisions of this act as required by section eleven hundred and eight, and also the amount to be contributed by the school districts and cities, in which such teachers are employed, as provided by said section eleven hundred and eight.

6. The commissioner of education shall include in the certificate which he files with the comptroller showing the amount of state funds apportioned for the support of common schools to each county, a statement showing the amount required to be deducted from the salaries of teachers in each of such counties, and the amount to be contributed by the school districts and cities in which such teachers are employed, as required under section eleven hundred and eight of this act.

7. The comptroller shall issue his warrant to the state treasurer directing such treasurer to credit to the retirement fund created herein from the appropriation for the support of common schools an amount equal to the aggregate amount required to be

deducted from the salaries of teachers in the several counties of the state, together with the aggregate amount of the contributions required to be made by the school districts and cities in which such teachers are employed, as shown by the certificate of the commissioner of education filed with him as directed in subdivision six of this section.

8. The comptroller, in issuing his warrant to the state treasurer for the payment to each county of that portion of the moneys appropriated for the support of common schools and payable on or before March first of each year, shall deduct therefrom an amount equal to the amount required to be deducted from the salaries of teachers, and the amount required to be contributed by the school districts and cities in which such teachers are employed, as shown by the certificate of the commissioner of education filed with the comptroller as required by subdivision six of this section.

9. The county treasurer of each county when paying to the supervisors of the towns of such county and to the chamberlain or treasurer of a city in such county the first half of the money apportioned annually for the support of common schools shall deduct from the amount apportioned to each town and city an amount equal to the amount to be deducted from the salaries of the teachers in such town or city, and the amount to be contributed by the school districts or city, as shown by the certificate of the district and city superintendents filed with such treasurer as directed by subdivision three of this section.

10. The supervisor of each town shall pay to the collector or treasurer of each school district in such town or to the teachers employed in such districts toward their salaries on the order of the trustees of such districts the amount apportioned to such districts respectively less the amount required to be deducted from the salaries of the teachers in such districts, and the amount to be contributed by the school districts in such towns, as shown by the certificate of the district superintendent filed with such supervisors as directed by subdivision four of this section. [*Added by L.* 1911, *ch.* 449, *and amended by L.* 1914, *ch.* 44.]

§ 1109. Retirement of teachers. 1. A teacher who has taught in public schools for a period of twenty-five years, at least the last fifteen years of which period shall have been taught in the public schools in this state shall, upon his retirement from actual service as such teacher, as hereinafter provided, be entitled to an annuity of a sum equal to one-half of the average annual

salary of such teacher for the period of five years prior to the time of such retirement, provided that no annuity shall exceed the sum of six hundred dollars.

2. A teacher who has taught in public schools for a period of fifteen years, at least the last nine of which were taught in the public schools in this state, who is either physically or mentally incapable of teaching, may be retired, and shall, upon his retirement, be entitled to an annuity of as many twenty-fifths of the full annuity for twenty-five years as said teacher has taught years. Such teacher receiving an allowance under this subdivision may, upon order of the state teachers' retirement fund board, at any time within two years after date of retirement, be subjected to an examination by a legally qualified physician appointed by said retirement board, and if, upon such examination, it is certified to the board that such teacher is no longer incapable of employment as a teacher, the board may make an order that no further payments of annuities shall be made until such teacher is subsequently retired by the board, but in no case shall the amount of annuity at the subsequent retirement be less than that granted upon the former retirement. [*Amended by L.* 1918, *ch.* 256, *in effect April* 17, 1918.]

3. Such retirement may be had on the request of the teacher, or upon the request of a board of education in a city or union free school district. A request for retirement shall be made in writing addressed to state teachers' retirement fund board, accompanied by evidence showing that the teacher named therein is entitled to retirement, and that he has complied with the provisions of this article and the rules of the board relating to the payment of annuities. The board shall pass upon all requests for retirement, and shall determine whether such requests shall be granted.

4. All determinations of the board relative to such requests and the payment of annuities to teachers shall be subject to appeal to the commissioner of education. The provisions of article thirty-four of the education law, relative to appeals, shall apply to appeals from such determination. [*Added by L.* 1911, *ch.* 449, *and amended by L.* 1914, *ch.* 44.]

§ 1109-a. Payment of annuities. 1. A teacher shall not be entitled to an annuity who has not contributed to the retirement fund an amount equal to at least fifty per centum of his annuity. But a teacher who is otherwise entitled to retirement and an annuity under this article, may become an annuitant and

entitled to an annuity by making a cash payment to the retirement fund of an amount which when added to his previous contributions to such fund, will equal fifty per centum of his annuity.

2. In case a teacher who shall retire or be retired, is unable to pay in advance the sum required to make up the said fifty per centum of the annuity, the payment of such annuity may be withheld until the portion of the annuity withheld shall equal the sum required to make up said fifty per centum of the annuity.

3. Annuities shall be paid quarterly to the teachers entitled thereto, upon the warrants or orders signed by the president and secretary of the state teachers' retirement fund board. Vouchers or receipts shall be signed in duplicate by annuitants upon receiving the money paid to them. Such duplicate receipts shall be returned to the secretary of the board, and one of them shall be retained in his office and the other shall be filed in the office of the state treasurer.

4. Each annuity shall date from the time when the state teachers' retirement board shall take action upon the request made as herein provided for the retirement of the annuitant.

5. In case an annuity shall be paid hereunder to a teacher who has contributed to a teachers' retirement or pension fund in a city, county or district in accordance with a special or local act applicable thereto, the amount so contributed shall be paid on the order of the state teachers' retirement fund board by the custodian of such local retirement or pension fund into the state retirement fund, and the amount so paid shall be credited to such teacher as a contribution to the state fund. In case an annuity is paid to a teacher who has contributed to the state retirement fund as provided in this article, under a special or local act, applicable to the retirement of teachers in a city, county or district, the amount of such contributions shall be paid by the treasurer of the state teachers' retirement fund into the teachers' retirement or pension fund of such city, county or district, and such amount shall be credited to such teacher as a contribution to such fund. [*Added by L.* 1911, *ch.* 449, *and amended by L.* 1914, *ch.* 44.]

§ 1109-b. Application of article to certain counties, cities and districts; voluntary contributions. This article shall not apply to any county, city or district in which the teachers in the public schools thereof are required or authorized to contribute to a teachers' retirement fund, or in which such teachers are entitled to annuities or pensions, in accordance with any special or local act applicable to such county, city or district.

Provided, that whenever the state teachers' retirement fund board is satisfied that more than two-thirds of all the teachers employed in the public schools of any such county, city or district are willing to become subject to this article, as shown by a petition duly signed and verified by such teachers, such board shall issue its order directing that on and after the date thereof this article shall apply to such county, city or district. A copy of such order shall be mailed to the several teachers employed in the county, city or district to which such order relates and to the boards of education, trustees or other school authorities therein, and thereupon the provisions of this article shall apply to such county, city or district to the same extent and for the same purposes as to the other counties, cities and districts of the state. Thereupon the organization or society created under the said local or special act applicable to a county, city or district shall be dissolved and discontinued and the treasurer or other custodian of the funds of such organization or society shall pay into the state treasury any funds in his possession belonging to the said organization or society, after paying any outstanding obligations other than annuities. Such funds shall be credited to the retirement fund provided for herein. All persons who had been placed upon the retired list pursuant to the provisions of such local or special act, previous to the date when such local organization or society determined to come under the provisions of this act, shall become annuitants under this act and shall be entitled to receive the same amount which they would have been entitled to receive under the provisions of their retirement under said local or special act had such organization or society created thereunder not been dissolved and discontinued. Upon the execution and service of such order the teachers employed in the county, city or district to which such order relates, shall contribute one per centum of their salaries to the retirement fund and they shall be entitled to all the privileges thereof, under the conditions and restrictions imposed by this article and the rules of the board. [*Added by L.* 1911, *ch.* 449.]

§ 1109-c. Service as school commissioner to be counted. In computing the term of service of a teacher for the purpose of granting an annuity to such teacher under the provisions of this article, the time during which any such teacher shall have filled the office of school commissioner as defined in section three hundred of the education law, being chapter twenty-one of the laws of nineteen hundred and nine, and which office was abolished by chapter six hundred and seven of the laws of

nineteen hundred and ten, prior to the time this amendment takes effect, shall be included. [*Added by L.* 1913, *ch.* 509.]

ARTICLE 44
Libraries

Section 1110. State library, how constituted.
1111. State medical library.
1112. Manuscript and records "on file."
1113. State library, when open; use of books.
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1135. Use and care of school library.
1135a. Librarians of school libraries.
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1137. Authority to raise and receive money for school library.
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1140. Provision for change to free public library.
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§ 1110. State library, how constituted. All books, pamphlets, manuscripts, records, archives and maps, and all other property appropriate to a general library, if owned by the state and not placed in other custody by law, shall be in charge of the regents and constitute the state library.

§ 1111. State medical library. The state medical library shall be a part of the New York state library under the same government and regulations and shall be open for consultation to every citizen of the state at all hours when the state library is open and shall be available for borrowing books to every accredited physician residing in the state of New York, who shall conform to the rules made by the regents for insuring proper protection and the largest usefulness to the people of the said medical library.

§ 1112. Manuscript and records "on file." Manuscript or printed papers of the legislature, usually termed "on file," and which shall have been on file more than five years in custody of the senate and assembly clerks, and all public records of the state not placed in other custody by a specific law shall be part of the state library and shall be kept in rooms assigned and suitably arranged for that purpose by the trustees of public buildings. The regents shall cause such papers and records to be so classified and arranged that they can be easily found. No paper or record shall be removed from such files except on a resolution of the senate and assembly withdrawing them for a temporary purpose, and in case of such removal a description of the paper or record and the name of the person removing the same shall be entered in a book provided for that purpose, with the date of its delivery and return.

§ 1113. State library, when open; use of books. The state library shall be kept open not less than eight hours every week day in the year except the legal holidays known as Independence day, Thanksgiving day and Christmas day, and members of the legislature, judges of the court of appeals, justices of the supreme court, and heads of state departments may borrow from the library books for use in Albany, but shall be subject to such restrictions and penalties as may be prescribed by the regents for the safety or greater usefulness of the library. Others shall be entitled to use or borrow books from the library only on such conditions as the regents shall prescribe.

§ 1114. Duplicate department. The regents shall have charge of the preparation, publication and distribution,

whether by sale, exchange or gift, of the colonial history, natural history and all other state publications not otherwise assigned by law. To guard against waste or destruction of state publications, and to provide for the completion of sets to be permanently preserved in American and foreign libraries, the regents shall maintain a duplicate department to which each state department, bureau, board or commission shall send not less than five copies of each of its publications when issued, and after completing its distribution, any remaining copies which it no longer requires. The above, with any other publications not needed in the state library, shall be the duplicate department, and rules for sale, exchange or distribution from it shall be fixed by the regents, who shall use all receipts from such exchanges or sales for expenses and for increasing the state library.

§ 1115. Transfers from state officers. The librarian of any library owned by the state, or the officer in charge of any state department, bureau, board, commission or other office may, with the approval of the regents, transfer to the permanent custody of the state library or museum any books, papers, maps, manuscripts, specimens or other articles which, because of being duplicates or for other reasons, will in his judgment be more useful to the state in the state library or museum than if retained in his keeping.

§ 1116. Other libraries owned by the state. The report of the state library to the legislature shall include a statement of the total number of volumes or pamphlets, the number added during the year, with a summary of operations and conditions, and any needed recommendation for safety or usefulness for each of the other libraries owned by the state, the custodian of which shall furnish such information or facilities for inspection as the regents may require for making this report. Each of these libraries shall be under the sole control now provided by law, but for the annual report of the total number of books owned by or bought each year by the state, it shall be considered as a branch of the state library and shall be entitled to any facilities for exchange of duplicates, inter-library loans or other privileges properly accorded to a branch.

§ 1117. Public and free libraries and museums. All provisions of this section and of sections eleven hundred and eighteen to eleven hundred and thirty-four inclusive shall apply

equally to libraries, museums, and to combined libraries and museums, and the word "library" shall be construed to include reference and circulating libraries and reading-rooms.

§ 1118. Establishment. By majority vote at any election, any county, city, village, town, school district, or other body authorized to levy and collect taxes, or by vote of its common council, or by action of a board of estimate and apportionment or other proper authority, any city, or by vote of its trustees, any village, may establish and maintain a free public library, with or without branches, either by itself or in connection with any other body authorized to maintain such library. Whenever twenty-five taxpayers shall so petition, the question of providing library facilities shall be voted on at the next election or meeting at which taxes may be voted, provided that due public notice shall have been given of the proposed action. A municipality or district named in this section may raise money by tax to establish and maintain a public library or libraries, or to provide a building or rooms for its or their use, or to share the cost as agreed with other municipal or district bodies, or to pay for library privileges under a contract therefor. It may also acquire real or personal property for library purposes by gift, grant, devise or condemnation, and may take, buy, sell, hold and transfer either real or personal property and administer the same for public library purposes. A board of supervisors of a county may contract with the trustees of a public library within such county or with any other municipal or district body having control of such a library to furnish library privileges to the people of the county, under such terms and conditions as may be stated in such contract. The amount agreed to be paid for such privileges under such contract shall be a charge upon the county and shall be paid in the same manner as other county charges. [*Amended by L.* 1911, *ch.* 815.]

§ 1119. Acceptance of conditional gift. By majority vote at any election any municipality or district or by three-fourths vote of its council, any city, or any public library in the university, or any designated branch thereof, if so authorized by such vote of a municipality, district, or council, or of any combination of such voting bodies, may accept gifts, grants, devises or bequests for public library purposes on condition that a specified annual appropriation shall thereafter be made, by the municipality or district or combination so authorizing such acceptance, for maintenance of such library or branches thereof. Such acceptance, when approved

by the regents of the university under seal and recorded in its book of charters, shall be a binding contract, and such municipality and district shall levy and collect yearly the amount provided in the manner prescribed for other taxes, and shall maintain any so accepted gift, grant, devise or bequest, intact and make good any impairment thereof.

§ 1120. Subsidies. By vote similar to that required by sections eleven hundred and eighteen and eleven hundred and nineteen money may be granted toward the support of libraries not owned by the public but maintained for its welfare and free use; provided, that such libraries shall be subject to the inspection of the regents and registered by them as maintaining a proper standard, that the regents shall certify what number of the books circulated are of such a character as to merit a grant of public money, and that the amount granted yearly to libraries on the basis of circulation shall not exceed ten cents for each volume of the circulation thus certified by the regents.

§ 1121. Closing of museum; admission fee during certain hours. The trustees of any institution supported under this chapter by public money, in whole or in part, may, so far as consistent with free use by the public at reasonable or specified hours, close any of its museum collections at certain other hours, for study, to meet the demands of special students or for exhibition purposes, and may charge an admission fee at such hours, provided that all receipts from such fees shall be paid into the treasury and be used for the maintenance or enlargement of the institution.

§ 1122. Taxes. Taxes, in addition to those otherwise authorized, may be voted by any authority named in section eleven hundred and eighteen and for any purpose specified in sections eleven hundred and eighteen to eleven hundred and twenty inclusive, and shall, unless otherwise directed by such vote, be considered as annual appropriations therefor till changed by further vote, and shall be levied and collected yearly, or as directed, as are other general taxes; and all moneys received from taxes or other sources for such library shall be kept as a separate library fund by the treasurer of the municipality or district making the appropriation and shall be expended only under direction of the library trustees on properly authenticated vouchers, except that money received from taxes for the support of a library not owned by the public but maintained for its welfare and free use shall

be paid over to the treasurer of the corporation maintaining such library upon the written demand of its directors or trustees. [*Amended by L.* 1918, *ch.* 113, *in effect April* 3, 1918.]

§ 1123. Trustees. Free public libraries established by action of the voters or their representatives shall be managed by trustees who shall have all the powers of trustees of other educational institutions of the university as defined in this chapter; provided, unless otherwise specified in the charter, that the number of trustees shall be five, except that in a town there shall be six; that they shall be elected by the legal voters, except that in cities they shall be appointed by the mayor with the consent of the common council, from citizens of recognized fitness for such position; that the first trustees determine by lot the year in which the term of office of each trustee shall expire and that a new trustee shall be elected or appointed annually to serve for five years, except that in a town two new trustees shall be elected biennally to serve for six years. [*Amended by L.* 1918, *ch.* 113, *in effect April* 3, 1918.]

§ 1124. Incorporation. Within one month after taking office, the first board of trustees of any such free public library shall apply to the regents for a charter in accordance with the vote establishing the library.

§ 1125. Use of free public libraries. Every library established under section eleven hundred and eighteen of this chapter shall be forever free to the inhabitants of the locality which establishes it, subject always to rules of the library trustees, who shall have authority to exclude any person who wilfully violates such rules; and the trustees may, under such conditions as they think expedient, extend the privileges of the library to persons living outside such locality.

§ 1126. Reports. Every library or museum which receives state aid or enjoys any exemption from taxation or other privilege not usually accorded to business corporations shall make the report required by section fifty-eight of this chapter, and such report shall relieve the institution from making any report now required by statute or charter to be made to the legislature, or to any department, court or other authority of the state. These reports shall be summarized and transmitted to the legislature by the regents with the annual reports of the state library and state museum.

§ 1127. Injuries to property. Whoever intentionally injures, defaces or destroys any property belonging to or deposited in any incorporated library, reading-room, museum or other educational institution, shall be punished by imprisonment in a state prison for not more than three years, or in a county jail for not more than one year, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

§ 1128. Detention. Whoever wilfully detains any book, newspaper, magazine, pamphlet, manuscript or other property belonging to any public or incorporated library, reading-room, museum or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time which by the rules of such institution, such article or other property may be kept, shall be punished by a fine of not less than one nor more than twenty-five dollars, or by imprisonment in the jail not exceeding six months, and the said notice shall bear on its face a copy of this section.

§ 1129. Transfer of libraries. Any corporation, association, school district or combination of districts may, by legal vote duly approved by the regents, transfer, conditionally as provided in section eleven hundred and nineteen of this article, or otherwise, the ownership and control of its library, with all its appurtenances, to any municipality, or district, or public library in the university, or any designated branch thereof, and thereafter such transferee shall be entitled to receive any money, books or other property from the state or other sources, to which the transferring body would have been entitled but for such transfer, and the trustees or body making the transfer shall thereafter be relieved of all responsibility pertaining to property thus transferred.

§ 1130. Local neglect. If the local authorities of any library supported wholly or in part by state money, fail to provide for the support and public usefulness of its books, the regents shall in writing notify the trustees of said library what is necessary to meet the state's requirements, and on such notice all its rights to further grants of money or books from the state shall be suspended until the regents certify that the requirements have been met; and if said trustees shall refuse or neglect to comply with such requirements within sixty days after service of such notice, the regents may remove them from office and thereafter all books and other library property wholly or in part paid for from

state money shall be under the full and direct control of the regents who, as shall seem best for public interests, may appoint new trustees to carry on the library, or may store it, or distribute its books to other libraries.

§ 1131. Loans of books from state. Under such rules as the regents may prescribe, they may lend from the state library, duplicate department, or from books specially given or bought for this purpose, selections of books for a limited time to any public library in this state under visitation of the regents, or to any community not yet having established such library, but which has conformed to the conditions required for such loans.

§ 1132. Advice and instruction from state library officers. The trustees or librarian or any citizen interested in any public library in this state shall be entitled to ask from the officers of the state library any needed advice or instruction as to a library building, furniture and equipment, government and service, rules for readers, selecting, buying, cataloguing, shelving, lending books, or any other matter pertaining to the establishment, reorganization or administration of a public library. The regents may provide for giving such advice and instruction either personally or through printed matter and correspondence, either by the state library staff or by a library commission of competent experts appointed by the regents to serve without salary. The regents may, on request, select or buy books, or furnish them instead of money apportioned, or may make exchanges and loans through the duplicate department of the state library. Such assistance shall be free to residents of this state as far as practicable, but the regents may, in their discretion, charge a proper fee to nonresidents or for assistance of a personal nature or for other reason not properly an expense to the state, but which may be authorized for the accommodation of users of the library.

§ 1133. Apportionment of public library money. Such sum as shall have been appropriated by the legislature as public library money shall be paid annually by the treasurer, on the warrant of the comptroller, from the income of the United States deposit fund, according to an apportionment to be made for the benefit of free libraries by the regents in accordance with their rules and authenticated by their seal; provided, that none of this money shall be spent for books except those approved or selected and furnished by the regents; that no locality shall share in the apportionment unless it shall raise and use for the

same purpose not less than an equal amount from taxation or other local sources; that for any part of the apportionment not payable directly to the library trustees the regents shall file with the comptroller proper vouchers showing that it has been spent in accordance with law exclusively for books for free libraries or for proper expenses incurred for their benefit; and that books paid for by the state shall be subject to return to the regents whenever the library shall neglect or refuse to conform to the ordinances under which it secured them.

§ 1134. Abolition. Any library established by public vote or action of school authorities, or under section eleven hundred and eighteen of this chapter, may be abolished only by a majority vote at a regular annual election, ratified by a majority vote at the next annual election. If any such library is abolished its property shall be used first to return to the regents, for the benefit of other public libraries in that locality, the equivalent of such sums as it may have received from the state or from other sources as gifts for public use. After such return any remaining property may be used as directed in the vote abolishing the library, but if the entire library property does not exceed in value the amount of such gifts it may be transferred to the regents for public use, and the trustees shall thereupon be free from further responsibility. No abolition of a public library shall be lawful till the regents grant a certificate that its assets have been properly distributed and its abolition completed in accordance with law.

§ 1135. Use and care of school library. The school library shall be a part of the school equipment and shall be kept in the school building at all times. Such library shall be devoted to the exclusive use of the school except as otherwise provided by the rules of the commissioner of education and except in a district where there is no free public library, in which case such school library shall be a circulating library for the use of the residents of the district.

The commissioner of education shall prescribe rules regulating

1. The purchase, recording, safekeeping and loaning of books in school libraries, and the use of such books by pupils and teachers in the public schools.

2. The conditions under which books in a school library in a district in which a public library is situated, may be used by the public.

3. The management of school libraries and their use as circulating libraries by the residents of the districts in which they are situated.

4. The contents and submission of reports of school librarians, teachers and other school authorities as to school libraries. [*Amended by L.* 1914, *ch.* 51.]

§ 1135-a. Librarians of school libraries. In a city or a union free school district *maintaing an academic department or high school the board of education may employ, and fix the compensation of, a person to act as school librarian who may be engaged for all or a part of the time in performance of the duties of the position as may be directed by the said board. The person so employed may be the librarian of the free public library. If possessed of the qualifications prescribed by the commissioner of education a teacher's quota shall be apportioned to such city or union free school district on account of the employment of such librarian. In all other districts the trustees or board of education may appoint a competent person to act as librarian. In case of a failure of a city or union free school district maintaining an academic department or high school to employ a librarian as above provided, the teacher of English in such school shall be the librarian. In case of a failure to appoint a librarian in any other district the teacher, or if there be more than one teacher, the principal teacher, shall act as librarian. The trustees or board of education shall report to the commissioner of education the name and address of the person employed or appointed as librarian. [*Added by L.* 1914, *ch.* 51.]

§ 1136. Existing rules continued in force. All existing provisions of law and rules established by the superintendent of public instruction or by the commissioner of education for the management of district libraries shall hold good as to the management of school libraries till altered by or in pursuance of law.

§ 1137. Authority to raise and receive money for school library. Each city and school district in the state is hereby authorized to raise moneys by tax in the same manner as other school moneys are raised, or to receive moneys by gift or devise, for starting, extending or caring for the school library.

§ 1138. Authority to transfer school library property to free public library. Any board of education in any city or union free school district, or any duly constituted

* So in original.

meeting in any other district, is hereby authorized to give any or all of its books or other library property to any township or other free public library under state supervision, or to aid in establishing such free public library, provided it is free to the people of such city or district. A receipt from the officers of the said free public library, and an approval of the transfer under seal by the regents of the university, shall forever thereafter relieve the said school authorities of further responsibility for the said library and property so transferred.

§ 1139. Transfer of property not in charge of librarian. Any books or other library property belonging to any district library, and which have not been in direct charge of a librarian duly appointed within one year, may be taken and shall thereafter be owned by any public library under state supervision, which has received from the regents of the university written permission to collect such books or library property, and to administer the same for the benefit of the public; provided, that said books or other library property shall be found in the territory for which such public library is maintained, as defined in its charter or in the permission granted by the regents; and further provided, that, on written request of the school authorities, any dictionaries, cyclopedias and pedagogic books shall be placed in the school library of the district to which such books originally belong.

§ 1140. Provision for change to free public library. In any district in which the school library is a circulating library, within the provisions of section eleven hundred and thirty-five, the school authorities, in their discretion, may appoint five trustees who shall apply to the regents for a library charter and upon incorporation, the school authorities may transfer to the custody of said trustees for the purposes of a circulating library any of their library property as provided in section eleven hundred and thirty-eight. [*Amended by L.* 1914, *ch.* 51.]

§ 1141. Penalty for disobedience to library law, rules or orders. The commissioner of education is hereby authorized to withhold its share of public school moneys from any city or district which uses school library moneys for any other purpose than that for which they are provided, or for any wilful neglect or disobedience of the law or the rules or orders of said commissioner in the premises.

ARTICLE 45
Court Libraries

Section 1160. Court of appeals libraries.
1161. Court of appeals judges' law libraries.
1162. Appellate division libraries.
1163. Appellate division library, first department.
1164. Appellate division library, fourth department.
1165. Supreme court libraries.
1166. Supreme court library at New York.
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1168. Supreme court library at Newburgh.
1169. Joseph F. Barnard memorial library at Poughkeepsie.
1170. Supreme court library at Kingston.
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1172. Supreme court library at Utica.
1173. Supreme court library at Binghamton.
1174. Supreme court library at Delhi.
1175. Supreme court library at Elmira.
1176. David L. Follett memorial library at Norwich.
1177. Supreme court library at Buffalo.
1178. Supreme court library at White Plains.
1179. Supreme court library at Troy.
*1180. Supreme court library in Queens county.
*1180. City court of the city of New York.
1180-b. Law library for the county officials of the county of Bronx.
1181. Supreme court library at Watertown.
*1182. Supreme court law library at Riverhead.
*1182. Hamilton Odell library at Monticello.

(Text of article omitted.)

ARTICLE 45-A

[*Added by L.* 1912, *ch.* 319.]

State School of Agriculture on Long Island

Section 1185. Establishment and control.
1186. Immediate supervision and management.
1187. Instruction and other operations.

* Two sections numbered 1180 and 1182 were added to this article by the acts referred to.

Section 1188. Establishment of an advisory board. [*Repealed by L.* 1915, *ch.* 442.]
1189. Capital fund for operation of dormitories and refectory. [*Added by L.* 1918, *ch.* 468.]
(*Text of article omitted.*)

ARTICLE 46

[*Article added by L.* 1913, *ch.* 424.]

Divisions of History and Public Records

Section 1190. Divisions created.
1191. Functions of the division of history.
1192. Powers of regents in respect to public records and historical documents, et cetera.
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ARTICLE 46*

[*Added by L.* 1913, *ch.* 676.]

The New York-American Veterinary College

Section 1190. The New York-American Veterinary College; to be a state veterinary college.
1191. Objects.
1192. Extent to which property may be held.
1193. Appropriations; report; scholarships; tuition fee.
(*Text of article omitted.*)

ARTICLE 47

[*Former Article* 46 (§§ 1190–1192) *renumbered Article* 47 (§§ 1200–1202), *by L.* 1913, *chs.* 424 *and* 676.]

* So in original. Article and sections erroneously numbered.

Laws Repealed; Saving Clause; When to Take Effect

Section 1200. Laws repealed.
1201. Saving clause.
1202. When to take effect.

§ 1200. Laws repealed. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed. [*Section renumbered by L.* 1913, *ch.* 424, *also erroneously renumbered by L.* 1913, *ch.* 676.]

§ 1201. Saving clause. Nothing herein contained shall be construed to impair or in any manner affect or change any special law touching the schools or school system of any city or incorporated village unless the same is so stated. [*Section renumbered by L.* 1913, *ch.* 424, *also erroneously renumbered by L.* 1913, *ch.* 676.]

§ 1202. When to take effect. This chapter shall take effect immediately. [*Section renumbered by L.* 1913, *ch.* 424, *also erroneously renumbered by L.* 1913, *ch.* 676.]

(*Schedule of laws repealed omitted.*)

APPENDIX.

PENAL PROVISIONS RELATING TO SCHOOLS AND SCHOOL OFFICERS

Penal Law (*L.* 1909, *ch.* 88)

§ 246. Use of force not unlawful in certain cases. To use or attempt, or offer to use, force or violence upon or toward the person of another is not unlawful in the following cases:

4. When committed by a parent or the authorized agent of any parent, or by any guardian, master, or teacher, in the exercise of a lawful authority to restrain or correct his child, ward, apprentice or scholar, and the force or violence used is reasonable in manner and moderate in degree.

§ 405. Unlawfully entering building. A person who, under circumstances or in a manner not amounting to a burglary, enters a building, or any part thereof, with intent to commit a felony or a larceny, or any malicious mischief, is guilty of a misdemeanor.

§ 889. Forgery in third degree. A person who, with intent to defraud or to conceal any larceny or misappropriation by any person of any money or property:

1. Alters, erases, obliterates, or destroys an account, book of accounts, record, or writing, belonging to, or appertaining to the business of, a corporation, association, public office or officer, partnership, or individual; or,

2. Makes a false entry in any such account or book of accounts; or,

3. Wilfully omits to make true entry of any material particular in any such account or book of accounts, made, written, or kept by him or under his direction,

Is guilty of forgery in the third degree.

§ 1470. Disturbing lawful meetings. A person, who, without authority of law, wilfully disturbs any assembly or meeting, not unlawful in its character, is guilty of a misdemeanor.

§ 1824. Attempting to prevent officers from performing duty. A person who attempts, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed upon such officer by law, is guilty of a misdemeanor.

§ 1825. Resisting officer. A person who knowingly resists by the use of force or violence, any executive officer, in the performance of his duty, is guilty of a misdemeanor.

§ 1836. Officer refusing to surrender to successor. A person who, having been an executive or administrative officer, wrongfully refuses to surrender the official seal, or any books or papers appertaining to his office, upon the demand of his lawful successor, is guilty of a misdemeanor.

§ 1837. Administrative officers. The various provisions of the preceding sections of this article which relate to executive officers apply to administrative officers, in the same manner as if administrative and executive officers were both mentioned.

§ 1838. Injury to records and misappropriation by ministerial officers. A sheriff, coroner, clerk of a court, constable or other ministerial officer, and every deputy or subordinate of any ministerial officer, who:

1. Mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his office; or,

2. Fraudulently appropriates to his own use or to the use of another person, or secretes with intent to appropriate to such use, any money, evidence of debt or other property intrusted to him in virtue of his office,

Is guilty of felony.

§ 1841. Provision as to neglect of duty. A public officer, or person holding a public trust or employment, upon whom any duty is enjoined by law, who wilfully neglects to perform the duty, is guilty of a misdemeanor. This and section eighteen hundred and forty do not apply to cases of official acts or omissions the prevention or punishment of which is otherwise specially provided by statute.

§ 1865. Misappropriation and falsification of accounts by public officers. A public officer, or deputy, or clerk of any such officer, and any other person receiving money on behalf of, or for account of the people of this state, or of any department of the government of this state, or of any bureau or fund created by law, and in which the people of this state are directly or indirectly interested, or for or on account of any city, county, village or town, who:

1. Appropriates to his own use, or to the use of any person not entitled thereto, without authority of law, any money so received by him as such officer, clerk or deputy, or otherwise; or,

2. Knowingly keeps any false account, or makes any false entry or erasure in any account of, or relating to, any money so received by him, or,

3. Fraudulently alters, falsifies, conceals, destroys or obliterates any such account; or,

4. Wilfully omits or refuses to pay over to the people of this state or their officer or agent authorized by law to receive the same, or to such city, village, county or town, or the proper officer or authority empowered to demand and receive the same, any money received by him as such officer, when it is his duty imposed by law to pay over, or account for, the same,

Is guilty of a felony.

§ 1866. Violations of law by public officers. An officer or other person mentioned in the last section who wilfully disobeys any provision of law regulating his official conduct, in cases other than those specified in that section is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars, or imprisonment not exceeding two years, or both.

§ 1868. Officials not to be interested in sales, leases or contracts. A public officer or school officer who is authorized to sell or lease any property, or to make any contract in his official capacity, or to take part in making any such sale, lease or contract, who voluntarily becomes interested individually in such sale, lease or contract, directly or indirectly, except in cases where such sale, lease or contract, or payment under the same, is subject to audit or approval by the commissioner of education, is guilty of a misdemeanor.

§ 1871. School district trustee not to draw draft on supervisor in certain cases. A school district trustee who issues an order or draws a draft on a supervisor or collector for any money, unless there is at the time sufficient money in the hands of such supervisor or collector belonging to the district to meet such order or draft, is guilty of a misdemeanor.

§ 2050. Injury to public record. A person who, wilfully and unlawfully removes, mutilates, destroys, conceals, or obliterates a record, map, book, paper, document, or other thing, filed or deposited in a public office or with any public officer by authority of law, is punishable by imprisonment for not more than five years, or by a fine of not more than five hundred dollars, or by both.

§ 2321. Making false statement in reference to taxes. A person, who, in making any statement, oral or written, which is required or authorized by law to be made as the basis of imposing any tax or assessment, or of an application to reduce any tax or assessment, wilfully makes, as to any material matter, any statement which he knows to be false, is guilty of a misdemeanor.

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